

00001

1

2

3

4

5

6

7

8

9

10

11

12

ENVIRONMENTAL SAMPLING PROJECT

13

TASK FORCE MEETING

14

* * *

15

Wednesday, March 1 , 2000

16

6:30 p.m.

17

18

19

20

21

22

23

24

25

00002

1 TASK FORCE MEMBERS

2

3 Dick Nolan

4 David Miller

5 Gene Bernardi

6 Carroll Williams

7 Fran Packard

8 Evelyn Fisher

9 Miriam Ng

10 Sue Markland Day

11 Laurie Bright

12 Edgar Bailey

13 Mike Bandrow

14 Jeff Fielder

15 Keith Matthews

16 Paul Lavelly

17 Chris Whipple

18 David McGraw

19 Pamela Evans

20

21

22

23

24

25

00003

1 MS. DOUGHERTY: Good evening. We'd like to
2 call the meeting to order. If we could have the task
3 force sit down, that would be great. Thanks. Good
4 evening and welcome. A little bit up, thanks.

5 Welcome to the -- we're going to work on my
6 mike here for a second -- Environmental Sampling
7 Project Task Force second meeting. Carlos, I'm fading
8 in and out. I'm feeling hurt about this, too. Okay.
9 Thanks.

10 We'd like to call the meeting to order, and
11 any task force members who are lingering, we'd like
12 you to try and come up to the table, task force
13 members, and welcome to the public. At your request
14 in the last meeting -- I really am fading. Can you
15 guys hear me in the back without a mike? I'll try.
16 Last time there was a lot of complaint that my voice
17 could not be heard. I'll try harder to be louder.

18 FROM THE FLOOR: Speak through the mike.

19 MS. DOUGHERTY: There we go. Okay. Now
20 I've got a mike. Welcome again, and we will try and
21 be responsive to some of the questions and concerns
22 you guys had last time. One of them was we couldn't
23 be heard. So we'll work on that. And we'd like to
24 welcome all of you to the table.

25 We have a few task force members here tonight

00004

1 who were not able to attend the last meeting, and we
2 welcome them in particular, and in a moment, we'll ask
3 you to introduce yourselves and tell us what
4 organization you're representing and anything you
5 would like the rest of the task force members to know.

6 We start tonight's meeting with public
7 comment, and so many of you have filled out blue
8 cards. Sherie, do you have a tally for us of blue
9 cards for public comment? Okay. Sherie Reineman, who
10 is going to be drawing those names -- I'm not sure how
11 many people signed up, but we would like to give those
12 of you who have signed up for the public comment
13 period three minutes, please. We would like to also
14 tell you Sherie Reineman -- Sherie, would you raise
15 your hand? Sherie is going to be the timer for this,
16 and when you have one minute left of the three
17 minutes, Sherie will raise her hand and point out to
18 you you have one minute left, and then we'll close at
19 exactly three minutes. I think most of you are used
20 to a system that's similar to that. Okay. So we'll
21 probably start with that.

22 Now, the microphones, those of you on the
23 task force, you have microphones in front of you. I'm
24 going to give this one back. There's a microphone for
25 about every three or four people. In courtesy to the

00005

1 public and to one another, since this is kind of a
2 broad "U," if you could use the microphones in
3 speaking, we realize it's a little difficult, but we
4 would appreciate it if people could all hear.

5 Also, when you speak, please identify
6 yourself carefully for the court reporter, who is
7 standing behind us and who is taking exact notes from
8 today's meeting. Okay. So ready to start? I'm
9 sorry.

10 MS. DUFFY: That's the microphone.

11 MS. DOUGHERTY: The podium for the public
12 comment is over here, and the mike will be live,
13 Carlos, in just a moment? Sherie, do you have a name
14 for us? First person to speak would be Carol -- I'm
15 sorry, Carol, I cannot read your last name. It starts
16 with a D. Denny. Thank you very much. Ms. Denny, if
17 you could come up, and there's a live mike over here
18 at the podium. Thank you.

19 MS. DENNY: Hi. Thought I'd start with
20 a song. It's called the Tritium Trot, and it's to the
21 tune of Jamaica Farewell.

22 Down the way in the old East Bay where the
23 sun shines brightly on the Hayward fault, I thought I
24 saw the barrels marked with scary signs and they stuck
25 them down in a cement fault.

00006

1 But I'm sad to say they leaked one day, won't
2 be plugged for many a day. My health is down, my
3 three heads turning around, I had to live with tritium
4 trickle-down.

5 All the experts that work on the hill in the
6 radioactive eucalyptus trees, they say there's nothing
7 wrong with LBNL because nobody makes barrels as nice
8 as these.

9 But I'm sad to say they leaked one day, won't
10 be plugged for many a day. My health is down, my
11 three heads turning around, I had to live with tritium
12 trickle-down.

13 But I'm sad to say -- sing -- they leaked one
14 day, won't be plugged for many a day. My health is
15 down, my three heads turning around, I had to live
16 with tritium trickle-down. I had live with tritium
17 trickle-down.

18 MS. DUFFY: Okay. The next person is
19 Mark McDonald.

20 MR. McDONALD: How much time do I have to
21 speak?

22 MS. DOUGHERTY: Three minutes.

23 MR. McDONALD: Three minutes. Okay.

24 (Unintelligible) I'm Mark McDonald work with the local
25 community who is opposed to the National Tritium

00007

1 Labeling Facility, and I also want to address the
2 people who were honest enough last meeting to admit
3 that they really didn't know much about the history of
4 this facility, and I respect them for saying so, and
5 I'm glad that they did.

6 Mostly would like to say that this has been
7 going on for some time. The Berkeley City Council has
8 called for a closure and clean-up of this facility
9 twice now, and this meeting here is actually the
10 second task force, if you want to call it such.

11 The last task force was called the Tritium
12 Issues Work Group, lasted two years, and ended last
13 April, were members of the community and the city's
14 environmental commission (unintelligible) to be a
15 sham. So I want you to have that background.

16 This is the second task force, and you new
17 members are replacing the people who were in the last
18 task force who withdrew, and you should know that the
19 City of Berkeley is on the record they want this place
20 closed. They think it's nutty to have a radiation
21 facility next to a children's museum. We think it's
22 nutty.

23 FROM THE FLOOR: Yeah.

24 MR. McDONALD: Now, in these little three
25 minutes left, it's going to be hard for us to present

00008

1 our case, but there is a case, and I wish we had as
2 much time as the proponents did to present their case
3 with their elaborate equipment.

4 We have a microphone and a few minutes and an
5 accordion and a song or whatever, but there is a case.
6 We hope that at some point in this process you will
7 feel free to contact us members of the community, the
8 City's environmental commission, and hear our case
9 because we believe that the case being put out by the
10 lab is a sham. We believe that they're cooking the
11 figures. We believe they're using sham science. We
12 believe that the issues of inventory, the dose
13 construction, the amount, the radiation that they
14 allow the kids at the museum to receive is a sham.

15 So, please, I won't take more than my time,
16 but I would just encourage you at some point in the
17 future to feel free to contact us and hear our side of
18 the story. Thank you very much.

19 MS. DUFFY: Nancy Delaney. Are you
20 here? No.

21 FROM THE FLOOR: She's here.

22 MS. DUFFY: Oh, can't see her.

23 MS. DELANEY: I am the ghost of the ivory
24 tower. My future was ended by Dr. Strangelove's
25 power. It ended yours, too, if you think about it.

00009

1 When they tell you it's safe, do you ever doubt it?

2 Business and war have replaced our democracy.

3 Don't tell the public the dangers. Don't let them

4 know or choose. Instead be sure you protect the

5 nuclear hypocrisy. The time of safety in the ivory

6 tower is gone. We open our eyes to the nuclear dawn.

7 I am the ghost of the ivory tower. My future

8 was ended by Dr. Strangelove's power. It ended yours,

9 too, if you think about it. When they tell you it's

10 safe, do you ever doubt it?

11 MS. DUFFY: L.A. Wood.

12 MS. WOOD: My name is a L.A. Wood. I'm

13 a Berkeley resident. I live down wind from the

14 Tritium Labeling Facility. I was a member of the

15 Tritium Issue Work Group. What they said about the

16 last group was true.

17 As I said, I have great difficulty watching

18 community members sit on a task force. I worry about

19 endorsing the process that we all know is wrong. I

20 want to let you know that there is one issue at stake,

21 and that is Lawrence Hall of Science. It is the

22 pathway to exposure.

23 We would not be here tonight if the lab would

24 simply move the Tritium Labeling Facility. It should

25 never be in an urban area. It should never incinerate

00010

1 at the lab. We should be concerned about the
2 emissions at the Tritium Labeling Facility. We need
3 to move it, and as I said, I can't figure out why
4 we're discussing some of the science.

5 It bothers me that the lab wants to monitor
6 -- they want a sampling process that you're looking at
7 as a shallow one, both in the sense and essence and in
8 reality. They don't want you to look at the real
9 problems on the hill.

10 We've asked for an environmental scientist to
11 evaluate the data. There's certainly enough data.
12 You don't have to create any more, and I'm hoping that
13 over the next couple of months that we will move
14 forward.

15 I ask this group not even be started until we
16 reach that point that we have an independent
17 evaluation so we can have a starting point, and as I
18 said, I see two, three, four meetings and they mean PR
19 to the community. You haven't (unintelligible) the
20 problem for credibility on the hill. This goes
21 further to hurt you in the eyes of the community, and
22 I, as someone that participates in the public in many
23 venues, can tell you that this won't fly.

24 You're going to have to bring the community
25 in. Many of us sitting out here, including myself,

00011

1 should be sitting at the table because we're too
2 knowledgeable not to be included. You're excluding
3 us. You're excluding our ideas, the same way USEPA
4 and DTSC, Department of Health Services did for 27
5 months. That's why we left, and, as I said, I hope
6 that you will wait until you have some information.
7 So I won't take any more.

8 MS. BERNARDI: I'd like to say something,
9 please. For those people in the community who don't
10 use their three minutes, could you please defer the
11 balance of it to another speaker because we have quite
12 a few people here to speak tonight. And who is
13 keeping time so they'll know how much time is left?

14 MS. REINEMAN: We don't have seconds.

15 MS. DUFFY: They don't have seconds.
16 Mary Davis.

17 MS. DAVIS: I give my time to Pamela.

18 MS. DUFFY: We'll go to the next person
19 if you want to defer your time.

20 FROM THE FLOOR: Wait a minute. She just
21 deferred to Pamela. What's the problem?

22 MS. DUFFY: Okay. Okay.

23 MS. SIHVOLA: Good evening. At the end of
24 the last meeting, community members requested to be
25 able to respond to some of the statements that were

00012

1 made, statements that were made by Director Shank and
2 Mr. McGraw. Our request was denied by the
3 facilitators closing down the meeting.

4 I am asking that at this time the community
5 will have a chance to respond to the statements that
6 will be made during this meeting.

7 In his presentation on tritium, Mr. McGraw
8 completely forgot to mention the use of tritium in
9 nuclear weapons production, and I think this was a
10 very significant omission. I wanted to quote a small
11 sentence from a publication, Science for Democratic
12 Action Regarding Tritium Usage.

13 "Commercial tritium use accounts for only a
14 small fraction of the tritium used worldwide.
15 Tritium's primary function is to boost the yield of
16 both fissure and thermonuclear weapons contained in
17 removable and refillable reservoirs. Tritium
18 increases the efficiency of the use of nuclear
19 materials in warheads."

20 This brings me to the next point, which is
21 related to the health effects of tritium and why the
22 biological quality factor is so crucial in determining
23 health risk. Also, this omission is significant
24 because it does relate to the decisions made by the
25 ICRP, the International Commission for Radiation

00013

1 Protection, and one of the most prominent health
2 physicists, Karl Morgan, in his book published last
3 fall, The Angry Geni, goes into the history of how the
4 biological quoted factor for tritium was derived. The
5 ICRP prostituted itself regarding the danger of
6 tritium, an essential component of the fusion bomb.

7 Dr. Morgan in Oakridge and his assistant, who
8 was a secretary of the ICRP, International Commission
9 for Radiation Protection committee, joined in the
10 desperate attempt to increase the factor of tritium
11 (unintelligible) in proportional decrease of the MPC.
12 This is significant. Seems to lower the MPTS
13 (unintelligible) difficult that cost than it is for
14 industry and the military to comply, and finally the
15 result was that the biological (unintelligible) factor
16 was not increased as Dr. Morgan had asked from 1.7 to
17 4.5. In fact, it was decreased to one where it
18 currently stands, and the reason was that government's
19 in the business of manufacturing weapons --

20 MS. DUFFY: Your time is up. Thank you.

21 MS. SIHVOLA: -- could not be
22 manufacturing them if this health standard was to be
23 held, and I have left packages with more information
24 with all the task force members, and I would hope that
25 you would look at this very important issue. Thank

00014

1 you.

2 MS. DUFFY: James Cunningham.

3 MR. CUNNINGHAM: My comments are directed to
4 the task force and the facilitators. There are
5 several things to keep in mind during the meeting.
6 One is that the task force assembled here was chosen
7 by the lab. Many outstanding and knowledgeable
8 citizens groups are not represented on the panel. The
9 facilitators are hired by the lab.

10 Much has been written and said about the
11 format. Having a format does not produce results or
12 knowledge. There are many different formats which can
13 be used. What makes the difference is the information
14 put into the format. When I hear Mr. Shank use the
15 term "titanium poisoning" in his remarks, when I see
16 slides from the lab which are too dirty to view, and
17 when I am told by a lab scientist that I should be
18 concerned about the tritium in the exit signs in
19 Berkeley, my belief that anything positive will come
20 out of this process quickly disappears.

21 I have no reason to believe in view of what
22 I've already seen and heard that the information
23 presented to you will have anything to do with the
24 very basic questions we are asking.

25 I'm a citizen of Berkeley, and I've lived

00015

1 here for 31 years. I am not a scientist. About three
2 years ago, I heard about the discussions going on
3 between the City and the lab over tritium. When I
4 first went to a meeting, I was completely uninformed
5 about the issues, and I believe that there may be some
6 of you who are equally uninformed at that time.

7 I didn't know the difference between tritium
8 gas and tritiated water vapor. When I was told that
9 wind (unintelligible) directions were monitored, I
10 didn't think to ask about the location of the
11 monitors. When I was told that the stack from the lab
12 was a hundred feet high, I did not think about the
13 hillside surrounding them.

14 There may be comments from the public which
15 seem to be interfering with the discussion which is
16 going on. If these irritate you, I would hope that
17 you would continue to remember that there are many in
18 the audience who have spent hundreds of hours in
19 meetings such as this one. Their frustration is
20 (unintelligible) when their questions are not being
21 answered.

22 I have been misled, talked down to, and lied
23 to, along with other citizens, along with the mayor of
24 Berkeley and the Berkeley City Council. Fortunately
25 in this instance --

00016

1 MS. REINEMAN: One minute.

2 MR. CUNNINGHAM: Okay. I have to skip.

3 (Unintelligible) has to do with to the high flux beam
4 reactor. The Brookhaven Laboratory was closed down by
5 the Secretary of Energy, Bill Richardson. This
6 facility was placed on stand-by in 1996 when it was
7 determined that a tritium leak had contaminated nearby
8 ground water. DNL director said, "We view the tritium
9 contamination situation very seriously. Brookhaven
10 Lab will continue to do everything possible to contain
11 and remediate the contamination and prevent further
12 releases. The health of our employees and the public
13 is our highest priority." He announced his
14 resignation two months later.

15 The same year Secretary of Energy terminated
16 the DNL's contract with Associated Universities,
17 Incorporated. I know I'm running out of time, and
18 what I want to say is that's it. Thank you.

19 MS. DUFFY: Dorothy Vance.

20 MS. BERNARDI: I don't know. Did you say
21 Dorothy Vance?

22 MS. DUFFY: Vance

23 MS. BERNARDI: Is Dorothy Vance here?

24 MS. VANCE: Hi. My name is Dorothy

25 Vance. I'm a member of Women for Peace. Dangerous

00017

1 outfit. We've been around the block, and we always
2 try to be on the side of humanity, people, and being
3 cautious about decisions regarding our children.

4 I think the onus is not upon Berkeley
5 citizens to prove that the lab is safe, but that seems
6 to be the way it has always been. I'll repeat
7 something that has always been very powerful in my
8 decision to support the Committee To Minimize Toxic
9 Waste, and that is that when I heard about the H bomb,
10 that dirty bomb, and then I heard from the Committee
11 To Minimize Toxic Waste that the "H" in the H bomb
12 stood for radioactive hydrogen, in other words,
13 tritium, I want us to be very thoughtful. I want us
14 to be very alert to have our radars out there to pick
15 up on any way that our community has or is being
16 deceived.

17 I think it's important, perhaps, that we have
18 monitors if they're properly placed in honest ways to
19 pick up the maximum. I think it's also more important
20 that we go back, find the history of the lab and the
21 falsehoods that have been presented to this wonderful
22 community. Thank you for listening.

23 MS. DUFFY: I'm sorry if I'm -- Candace
24 -- does the mike -- can you hear?

25 MS. KILCHENMAN: Good evening, everyone. I'm

00018

1 Candace Kilchenman, and I'm a member of the Berkeley
2 Gray Panthers, and I'm very much affected by this
3 wonderful group, the Coalition Against Toxic Waste. I
4 followed their effort a lot.

5 There's one thing that I can't understand
6 about the Berkeley lab's tritium risk assessment.
7 It's bothered me for a long time because it doesn't
8 seem to address the cumulative toxicity for periods of
9 time over the whole environment and over the
10 population. I am really worried about seniors and
11 also young people, children.

12 I also have known and spoken with John
13 Gofman, Dr. Gofman, who doesn't believe that there is
14 any safe level of radiation at all. So what -- you
15 know, I'd like to an answer to this question because
16 I'm a member of the Berkeley population. Thank you.

17 MS. DUFFY: Felice -- maybe I'm reading
18 it wrong. Maybe you can tell me.

19 MS. BERNARDI: Irene Mindel (phonetic).

20 MS. DUFFY: There you go.

21 MS. MINDEL (phonetic): I want to defer my
22 time to Bradley Angel.

23 MS. DUFFY: Okay.

24 MR. ANGEL: Good evening. My name is a
25 Bradley Angel. I'm the director for Green Action for

00019

1 Environmental Health (unintelligible) bay here have
2 many members in Berkeley and throughout Alameda
3 County, and we also are in full support of the concern
4 being raised here by the Committee to Minimize Toxic
5 Wastes and others in the community, including the City
6 of Berkeley, that's been calling for an independent
7 review of this issue, and what we have in front of us
8 is anything but an independent review. It's anything
9 but.

10 With all respect to many of the good folks in
11 this room and around the table, this is not an
12 independent task force. It doesn't seem the lab is
13 interested in true public participation. I would
14 point to the fact that a sign was grabbed out of my
15 hand. I was told the people running this meeting
16 didn't want any signs in here, yet I come in and
17 there's lab propaganda here.

18 The fact that this table is put here as a
19 barrier between the task force and the audience is
20 also an attempt, I think, to separate the public from
21 -- you know, don't mess with this lab. We really do
22 need, though, and I'm glad the City of Berkeley is
23 implementing the independent scientific review, we
24 really need this.

25 And I believe the task force right now is

00020

1 premature. When the independent review is done, then
2 there should be a task force. It should not be picked
3 by the lab. It should be truly representative of the
4 community with all the important stakeholders at the
5 table and (unintelligible) I wanted to say is one of
6 the reasons that we need a review is not only that the
7 lab failed in preventing contamination, but the
8 government agencies on state and federal level has
9 also failed.

10 In fact, recently the EPA said, "Be happy.
11 Don't worry. It's not that bad," and one of the
12 things I want to point out, some of you might remember
13 from auditing the summer of '98 in neighboring
14 Oakland, the USEPA had a Superfund site in west
15 Oakland, had lied to the community, straight out lied,
16 and to quote-unquote clean up (unintelligible)
17 contamination, they installed a toxic waste
18 incinerator called something else.

19 The community said, "Gee, what is that smoke
20 coming out of the stack?" The EPA official said, "Oh,
21 it's just salt and steam," and it wasn't until Green
22 Action pointed out and got the EPA to admit that it
23 wasn't salt and steam alone. It was salt, steam,
24 vinyl chloride, and dioxin. When it was chemicals
25 known to science, then EPA publicly said, no, you're

00021

1 right, vinyl chloride is coming out, but it couldn't
2 possibly be dioxin, until their own test results came
3 out and they had to again publicly apologize.

4 The moral of this story, the government
5 agencies are either stupid or they try to hide the
6 truth from the public. Make up your own mind, but the
7 reality is what the government agencies have said in
8 many instances in our own committee here in Alameda
9 County is not only not the truth, but has been
10 completely false, and that's why we need independent
11 review. Thank you.

12 MS. DOUGHERTY: That concludes our public
13 comment period to our task force members, and what
14 we'd like to do, then, for some of you who are a
15 little late in arriving, welcome you members of the
16 task force, and we have a couple of new members who we
17 would like to have introduce themselves if they would
18 please do that, and I think we'll start over here with
19 you, Pamela --

20 MS. BERNARDI: I'd like to say something.
21 I don't think that 30 minutes has passed since you
22 started the public comments. There were also people
23 who did not speak for three minutes. We have -- many
24 of these people who have spoken (sic) here are our
25 supporters. They're members of a coalition called

00022

1 Back Out the Bay Area Coalition Opposed to U.C.
2 Toxics, and some of them have come a long distance.
3 One is Mr. Bruener (phonetic) from Clean Water Action,
4 and I'd like some of the time that wasn't used by the
5 other members to be given to Mr. Bruener (phonetic) to
6 make a short statement.

7 MS. DOUGHERTY: Gene, I had 30 minutes
8 exactly. Now, if you have a particular person, one
9 more person that could speak, we could add three, but
10 the task force members have agreed to a 30-minute --

11 FROM THE FLOOR: -- the task force be asked.

12 MS. DOUGHERTY: We'd be happy to ask the
13 task --

14 FROM THE FLOOR: Maybe the task force vote
15 on whether the task force could expand the public
16 comment period.

17 MS. BERNARDI: That would be good.

18 MS. DOUGHERTY: We would like very much to
19 have the task force members -- thank you, Gene. Let's
20 take a poll of the task force. Thank you for that.
21 Let's talk to the task force members.

22 First of all, I would like very much for you
23 to go ahead and introduce yourself so we know who you
24 are, and let's take a poll and see how you guys on the
25 task force feel about Gene's comment about people

00023

1 having come a long way and having come specifically to
2 make comments. Pamela, please.

3 MS. EVANS: I'm Pamela Evans with
4 Alameda County Public Health Department. Public
5 Health has no regulatory role with the lab, but rather
6 more of a public health advocacy role, and one thing
7 that we do want to do is to ensure active public
8 participation in informed decision making, and I can
9 weigh in right now, but it would be all right with me
10 to extend the public comment period.

11 MR. WHIPPLE: I'm Chris Whipple, ICP
12 Consulting in Oakland. I'm sorry I missed the first
13 meeting. My background is in environmental health
14 risk issues of health risk assessment. I guess
15 several years ago I was hired by the lab to review
16 their tritium risk assessment and met some of you at
17 that time.

18 I've had a lot of experience on radiation
19 issues, including serving on committees for EPA,
20 member of the National Council of Scientific Radiation
21 Protection, and certainly National Academy of Sciences
22 Committees, and I, too, have no objection to hearing
23 more public comments.

24 MR. FIELDER: Jeffrey Fielder. I'm here
25 appearing for my supervisor, Nabil, who has had a

00024

1 recent tragedy and couldn't be here tonight. So I'm
2 sitting for him.

3 MR. BANDROWSKI: My name is Mike Bandrowski.
4 I'm with the USEPA. I manage the radiation compliance
5 assurance office in the air division, and we're
6 responsible for regulating the release of tritium from
7 the lab under our Clean Air Act.

8 MR. MILLER: I'm David Miller, and I work
9 in the nuclear medicine field at Alta Bates Hospital.
10 I'm a physician. I'm here mainly to listen and to
11 learn.

12 MS. DOUGHERTY: Let's take a poll real
13 quick.

14 MR. WILLIAMS: I'm Carroll Williams,
15 representing Panoramic Hill Neighborhood Association,
16 and I would suggest adding another 12 minutes to the
17 discussion period

18 MR. MILLER: How does the --

19 MS. MARKLAND DAY: I oppose -- same thing
20 next week or next meeting. It's not related to what
21 they're saying to the thing at hand. Let's move on to
22 the thing at hand.

23 FROM THE FLOOR: Who are you? Identify --

24 MS. MARKLAND DAY: My name is Sue Markland
25 Day. I live above the stacks of the tritium facility.

00025

1 MS. DOUGHERTY: I think it's real important
2 that we name something here, and that is respect is
3 the basis of our interaction, and so it's very
4 important that we be respectful to a lot of different
5 opinions that are represented at the table. So I
6 appreciate both Gene and Sue in their comments. Thank
7 you both.

8 Who is next? Anybody else on the task force
9 want to weigh in on whether or not you like -- we have
10 a suggestion out for 12 minutes. Is that something
11 other people are up for, yes or no?

12 MR. MCGRAW: Why don't we split the
13 difference and have two more speakers limited to three
14 minutes each? That would serve the interest of
15 hearing the public.

16 MS. DOUGHERTY: So can we --

17 MR. BRIGHT: I think, Carroll, I'm fine
18 with Carroll's idea, another 12 minutes. That would
19 give I think adequate time for them to have the
20 speakers they want to have, you know. I don't want to
21 cut off the public from participating in this process,
22 and I don't want them to feel that we're trying to cut
23 them off, but I also believe that they should respect
24 the fact that the task force, as a task force, we need
25 to talk together, too, and if we use up all the time

00026

1 for public comment, we won't ever have time to talk to
2 each other.

3 So I have no problem with as much public
4 comment as we can realistically have, but I think the
5 public needs to be disciplined and make sure that they
6 get the people up there that they want to have speak
7 and get it through in a half hour, 45 minutes.

8 MS. DOUGHERTY: Thank you, Laurie. So what
9 we have now is a suggestion for six minutes,
10 suggestion for 12. Can we agree on a time? What do
11 you guys want?

12 (Whereupon, the facilitators polled the task
13 force members.)

14 MS. DOUGHERTY: We have a consensus, and we
15 do not have unanimity for 12 minutes, and I thank you
16 for being patient if you disagree, and so let's allow
17 12 minutes. I want to synchronize my watch with
18 somebody. I've got 19 minutes, just so -- let's make
19 sure. I've got 19 'til (sic). What do you guys --

20 MS. DUFFY: Gene, you want to pick the
21 people you're saying that -- you want to pick the
22 people to speak?

23 UNIDENTIFIED: There aren't any more cards?
24 There are two more cards.

25 MS. DOUGHERTY: We would be happy to let

00027

1 those people speak.

2 MS. BERNARDI: I feel the people from these
3 organizations came a long distance should be able to
4 speak. Scott Bruener (phonetic) and (unintelligible).

5 MS. DOUGHERTY: Did those people sign up to
6 speak? Don't eat our time, Pat. Call the names on
7 the cards, please.

8 MS. DUFFY: I am. I am.

9 MS. BERNARDI: (Unintelligible.)

10 MS. DUFFY: E-l-l-i --

11 SPEAKER: No last name? That's me. I
12 just wanted to address, first of all, I want to -- for
13 the folks that are on this task force that don't know
14 how this task force came about, it came about because
15 there was a prior task force that was looking into
16 this issue, and the community members on that task
17 force as well as the City representatives on that task
18 force all pulled out because the laboratory refused to
19 give them the data. Okay.

20 Now there's discussion about you guys are
21 here to come up with a sampling plan, and it's pretty
22 important to understand what a sampling plan is
23 because there are two different types of sampling.
24 Originally, when the Tritium Issue Work Group was
25 composed, the City of Berkeley called for closure of

00028

1 the National Tritium Labeling Facility, and they asked
2 for sampling in order to do a health risk assessment.

3 That type of sampling includes soil, water,
4 (unintelligible) studies to look and find out when the
5 concentrations of tritium were greatest or where they
6 were greatest for the purpose of doing a health
7 assessment to find out where they have to look for
8 those cancers, for those birth defects, for those
9 genetic defects that may have happened with Tritium.
10 That's one kind of sampling. The kind of sampling
11 that the lab is trying to get you folks to do is air
12 sampling.

13 There's a big difference between air sampling
14 and this other type of stamping, the biggest
15 difference being that in order for air sampling to
16 take place, the lab facility has to continue to
17 operate. Other types of sampling for dose
18 reconstruction does not require the continuing
19 operation of this facility.

20 So the type of sampling you're being asked to
21 do by the tritium lab is a type of sampling that will
22 let them continue to operate regardless of whether or
23 not it's dangerous. I think the whole process here
24 has been manipulated, and I think it's important for
25 you to look at and question why it's been manipulated,

00029

1 how it's been manipulated, who decided that you don't
2 get to vote at these meetings.

3 That decision apparently wasn't made by this
4 task force. It was apparently made before the task
5 force came into existence by people hired by the
6 laboratory that's polluting our air with tritium. Who
7 fixed your agendas? Why is it that your agendas are
8 not allowed to be re-grouped at the meetings by task
9 force members?

10 And, finally, most important, somebody called
11 me up last week and told me two weeks ago, actually
12 told me that the minutes that were being transcribed
13 were not being provided to task force members to look
14 at to see if the comments were accurate before they
15 were being put on the web.

16 Now, I worked for seven years
17 (unintelligible) an attorney, and I've never heard of
18 a court reporter printing something without at least
19 allowing it to be reviewed by the folks that made the
20 statements to make sure of accuracy.

21 So I'm just wondering what the purpose of
22 this is, this task force is, and whether it's
23 legitimately to do sampling or whether it's to create
24 some sort of a smoke screen for the public, and I hope
25 that the folks on the task force who are on this task

00030

1 force who come from a diverse type of backgrounds will
2 think about that.

3 MS. DUFFY: Thank you. Okay. Another
4 tough name to read. (Unintelligible.)

5 FROM THE FLOOR: I defer my time to Donna
6 Sesum.

7 MS. SESUM: Hi. I just wanted to make a
8 brief statement in support of what the Committee To
9 Minimize Toxics is doing. I'm from the Toxic Links
10 Coalition, and we agree that there are no safe levels
11 of tritium, and that we really need to work on this
12 and get all the tritium out of (unintelligible).

13 MS. DUFFY: Gene, why don't you go
14 ahead --

15 MS. BERNARDI: Somebody else may be able to
16 use the rest of her time up.

17 MS. DUFFY: Why don't you just call
18 somebody?

19 MS. BERNARDI: Scott Bruener (phonetic),
20 are you still here?

21 MR. BRUENER (Phonetic): I'm Scott Bruener
22 with Clean Water Action. Again, I just have a couple
23 of brief comments that I'd like to make. First thing
24 is really glad that we did expand the public comment
25 period. First comment that I was kind of making notes

00031

1 what other people were saying was that having three
2 minutes segments for 30 minutes really isn't enough
3 time for all the people here to have a chance to say
4 what they have to say. Certainly a myriad of people
5 that do have things to say about tritium and about the
6 lab and have very, very important points to make. So
7 I hope in the future, future meetings like this, keep
8 that in mind.

9 The two points that I really did want to make
10 was first of all (unintelligible) representatives and
11 talks about the labs and tritium and emissions, stuff
12 like that, of course about the task force since the
13 original representatives of the community there are no
14 longer represented on the task force, how incredibly
15 (unintelligible) it is to consult those members of the
16 community that are affected by this.

17 The other point that I really wanted to make
18 was someone earlier made was the fact that
19 (unintelligible) that we need to -- the burden of
20 safety needs to be on obviously the task force, and we
21 don't need to be coming to you to let you know what
22 the (unintelligible) emissions. You need to bring
23 them to us that it is safe, and, of course, making
24 sure that you can provide that adequately.

25 Second of all, due to some of the past

00032

1 emissions of tritium emissions water vapor, the lab
2 isn't able to handle those kinds of emissions
3 responsibly, that maybe the recommendation by Berkeley
4 that they should be closed should be followed. That's
5 all I say. Thanks.

6 MS. DUFFY: Philip Williams.

7 MR. WILLIAMS: My name is Philip Williams.
8 I'm the facility manager for National Tritium Labeling
9 Facility. The comments I'm going to make here tonight
10 are my personal opinion, not lab opinion.

11 Firstly, I want to say context is important,
12 and I'm glad that people brought up the issues of the
13 nuclear weapons. Very few people say that tritium and
14 a person on roller blades are all the same. They do
15 have one thing in common. They're transportation.

16 Similarly, nuclear weapons need the power
17 plants, and medical research meds have a common
18 thread: Radioactivity. But they're as different from
19 each other in scale, purpose, and consequences, as
20 ships, trains, and roller blades.

21 For that reason, you don't apply ocean liner
22 standards to roller blades when you regulate them.
23 Similarly, you don't apply nuclear reactor standards
24 for radioisotope use to radio research laboratory.
25 Each application has to be tempered with some common

00033

1 sense and assessment of the hazards to the worker
2 that's using the particular activity.

3 (Unintelligible) environment and financial
4 consequences.

5 I don't think it's okay to say that using
6 radioactivity in medical research is the equivalent of
7 nuclear terrorism just because you haven't taken time
8 to think about the differences between activities.

9 Perspective is also important. Some people
10 claim radioactive causes cancer. I just should
11 preface these comments by saying there are always
12 extreme views in any discussion. One side of this
13 discussion might be one radioactive decay causes
14 cancer. Another side of this discussion might be that
15 you should be taking mineral baths and drinking radium
16 water every day. There are people who think
17 radioactivity is good for you.

18 The point of presenting these two extremes of
19 this discussion is that the standards for regulating
20 radioisotope use are firmly placed between these
21 points of view. The Berkeley Laboratory does not
22 endorse either of the extremes but works to the
23 recognized standards, and we need standards in
24 everything we do, whether it is regulating automobile
25 use in their emissions or whether it's regulating

00034

1 radioactive use, and the lab strives to ensure that
2 all lab activities are well within all regulatory
3 limits.

4 In the case of tritium emissions, the records
5 shows these are (unintelligible) federal standard. I
6 don't think it's okay to denigrate the agency and the
7 officials who have dedicated their lives and their
8 careers to regulating these activities in public. If
9 you don't like the standards, work to change them by
10 all means as we all do. Thank you.

11 MS. DOUGHERTY: thank you. We have two and
12 a half minutes left, and if there's another -- Bradley
13 Angel? You spoke already. I'm sorry, Mr. Angel. I
14 thought you had.

15 MS. DUFFY: You have proved me wrong.

16 MS. DOUGHERTY: Is there someone else who
17 would like to speak and use the last two minutes? Is
18 there anyone else? Otherwise, we're going to continue
19 public -- we're going to close public -- would you
20 like to speak? Please come up.

21 MS. BERGER: I deferred earlier, so I
22 would just -- my statement is brief. My name is
23 Rassijah Berger. I'm a registered nurse and a long
24 time resident of Berkeley. I brought up children

1 to see the astronomy shows on the terrace of the
2 Lawrence Hall of Science, and I would like to ask that
3 as long as there is a question of valid sampling and
4 evaluation, I would like to see that terrace closed to
5 children. Thank you.

6 MS. DUFFY: Okay. I think we're to
7 focus on the task force --

8 MS. BERNARDI: Actually, there's a matter
9 of housekeeping that needs to be taken care of, and
10 that is the transcript is supposed to be verbatim, and
11 it is not, and I would like to make those corrections.
12 I was told that we would be able to do this. I had
13 hoped to do it before now, so I wouldn't -- well,
14 actually, I think we should all be going over the
15 transcript because if there were mistakes in what I
16 said, then there are probably mistakes --

17 MS. DUFFY: We're going to do that at
18 the end of the meeting. We have a little clean-up.

19 MS. BERNARDI: I think it should be done
20 now. Actually, I would like to move that we have
21 minutes, and what that would mean is that this would
22 not go on the website until this transcript has been
23 reviewed and approved by this body so they can truly
24 be minutes. They have been referred to as minutes,
25 and they are not minutes unless they are reviewed by

00036

1 this body and approved, and I would like to move that
2 we do that.

3 I made some comments last time. They are not
4 correct, and I insist that they be corrected in the
5 version that went onto the website, and I would also
6 like an amendment. I was told we could amend it, but
7 I think it should be amended at the beginning so
8 anybody looking at that website again will know that
9 what they read the first time wasn't accurate.

10 MS. DOUGHERTY: Gene, it's real important
11 that we try to keep to the agenda for the rest of the
12 tasks force members, and I hear you. What I would
13 like to suggest is that we have a space in the agenda
14 to do this at the end of the meeting, and so it's
15 important --

16 MS. BERNARDI: End of the meeting.

17 MS. DOUGHERTY: It's important --

18 FROM THE FLOOR: Last time you said something
19 would happen at the end of the meeting. It didn't
20 happen, though.

21 MS. DOUGHERTY: Just one second, Gene,
22 because I wanted to finish this. I would like to make
23 sure the rest of the task force members get heard and
24 we get through an agenda that everybody has in front
25 of them and came to expect --

00037

1 MS. BERNARDI: Nobody else has any
2 corrections to make, then mine aren't going to take
3 very long. They're not a lot. I think --

4 MS. DOUGHERTY: Let's ask the task force
5 members.

6 MS. BERNARDI: Generally way it's done in
7 meetings --

8 MS. DOUGHERTY: Let's ask the
9 (unintelligible) these are meeting notes that were
10 taken by a court reporter. That is not to say anyone
11 is infallible. However, this is the best mechanism we
12 know of to take accurate meeting notes by someone who
13 is trained to do so.

14 If you have found flaws in your transcript,
15 Gene, I think we could take it up later, but I would
16 like the task force to respond. Move forward with the
17 agenda, or would you like to hear Gene's corrections
18 to her comments? Please, anybody? What do you guys
19 want? This is up to the task force.

20 MR. NOLAN: Dictate a limited time.
21 That's fine with me

22 MS. DOUGHERTY: Anybody else?

23 MR. MCGRAW: I would like to support the
24 corrections for now, but I would also like to state
25 that I would urge Gene and all other members of the

00038

1 task force to make those corrections when you get the
2 transcript on the web. You saw the transcript on the
3 web. All of us saw it very early. So I'm curious as
4 to why we have to take up the time now to correct it.

5 However, I'm willing to let that happen as a
6 task force member, but I would urge us all by the
7 committee to this task force to do our homework in the
8 future and review the transcript in a timely manner.

9 MS. BERNARDI: Unless --

10 FROM THE FLOOR: Why is it on the web if it's
11 not accurate?

12 MS. DOUGHERTY: I think what we'd like to
13 do, our comments are addressed to the task force
14 members, as are Gene's, and we are going to treat
15 Gene's concerns respectfully, and we will be
16 respectful, and we expect that from the members of the
17 public who are attending as well.

18 So, Gene, I think we have a motion from David
19 to go ahead and let your corrections happen now, and
20 he's asking that people will commit to take a look and
21 to do their corrections before they get here. Is that
22 something --

23 MS. MARKLAND DAY: I would like to
24 (unintelligible) the way congress works is that they
25 take congressional record when they make speeches on

00039

1 the floor of the house. Then their staff has 24 hours
2 to be able to come back with corrections on it before
3 it's put in print.

4 What I recommend is that we have a period of,
5 say, 48 hours that you send it to the web for those on
6 the committee structure. Let us either act or not,
7 and then it goes out to the public, and then we don't
8 have this kind of delay

9 MS. DOUGHERTY: Okay, and, Gene, I just
10 wanted to state for the record some of you have spoken
11 to us about the fact that you do not use the World
12 Wide Web, and you would prefer hard copies. I believe
13 -- did you say some of you wanted hard copies?

14 MS. BERNARDI: Yes

15 MS. DOUGHERTY: So we have to make sure
16 that we're (unintelligible) hard copies as opposed to
17 the electronic medium.

18 MS. BERNARDI: I agree with Sue and David
19 McGraw. I don't think it's a matter of homework
20 because I would not want anybody to be changing
21 anything that I had said, which could happen, and that
22 possibility should not be allowable. These things
23 should be done publicly, and that's why I waited until
24 now to do it, and so I'll --

25 MS. NG: Supposed to be a limit on

00040

1 the time, how much time?

2 MS. DOUGHERTY: Yes. We'd like to have --

3 MS. BERNARDI: I have to correct all the --

4 MR. WHIPPLE: I've been the involved in
5 committees that have transcripts as well, and it seems
6 to me that it's a valid use of the committee's time to
7 address issues in the transcript that represents
8 substantial misrepresentations of the record, but if
9 these involve, you know, typos or minor editorial
10 points, I think that's a poor use of this committee's
11 time, and I hope that we can arrive at a process in
12 which only the things that really need the full
13 committee's attention are brought to the full
14 committee. Other things can be done off line.

15 MS. DOUGHERTY: Laurie?

16 MR. BRIGHT: I tend to agree with that.
17 I think that -- I think that I read through these, and
18 I didn't see anything that was, you know, jumped off
19 the page at me, and I think that people do need to
20 read over them carefully if that's an issue with them
21 and make sure that what they say is what's written
22 down.

23 I obviously can't remember what everybody
24 else said. I have to be concerned with what I said
25 and that it's correct, and that's really all the

00041

1 homework was necessary. I don't think it's going to
2 be a big job, and I frankly think that corrections
3 that are substantial can be made even before we get
4 here. So I don't want to make a habit of this. I'm
5 perfectly willing to do it tonight.

6 MS. DUFFY: Anybody else?

7 MS. DOUGHERTY: Any other comments from the
8 task force members? Gene, how long do you think it
9 will take to give the --

10 MS. BERNARDI: Not going to take as long as
11 the discussion took. Page 48, line 20, 21, and 22
12 needs correction because the meaning is garbled.
13 Tritium gas is biologically effective -- of course, I
14 didn't say open parentheses, but that's what we need
15 to do or put two dashes, that means biologically
16 harmful, close parentheses. Then equivalent of 215
17 curies of tritiated water belongs on that line 21.
18 It's not the beginning of a new paragraph.

19 Page 49, line four, the word is not
20 "distributes." It's "predicts." Then there's some
21 minor, like capitalizing titles of articles, but I
22 won't take your time with it. I can call them on
23 that.

24 Page 49, line 20 should be -- the second --
25 the last word "damage" should be "disease." Page 50,

00042

1 line 21 and 22, the man's name is spelled T-o-r-e.
2 His last name is S-t-r-a-u-m-e. His name is repeated
3 on page 51, line two. That should be corrected. Line
4 three should have a "by" between "emitted" and
5 "tritium." Line seven, Mr. Straume's name again,
6 S-t-r-a-u-m-e. Thank you.

7 MS. DUFFY: Thank you, Gene. Let's move
8 on. I think we have on the list to talk about the
9 dialogue process. I think you all got the task force
10 letter we sent out. Thank you. You all got the task
11 force letter we sent out, and hopefully you had time
12 to read it, and I think that explains everything.

13 I think the bottom line is this is a
14 discussion between all of you, and you are
15 representatives in the community, and we have a lot of
16 smart people here, and they have a lot to offer, and
17 we would like to hear from you.

18 And the format of the meetings is basically
19 to disseminate information regarding the task at hand
20 and then to talk to one another about it and ask
21 questions of the experts that are presenting, and
22 that's what we want to get to. And so we ask that you
23 talk to each other, not at each other. And if there
24 are demands that need to be made, I think they should
25 be in the form of discussion to each other, not in the

00043

1 form of demands.

2 And so does anybody have any questions about
3 the task force letter or the way we're running things?
4 Go ahead, Laurie.

5 MR. BRIGHT: I don't have any comment on
6 that, but to get to the meat of the issue, last -- I
7 just wondered if we're going to get to respond to the
8 presentation that was done last time by the lab
9 because I think the lab took up the bulk of the time
10 of the task force making the presentation. Not very
11 many of us had a chance to respond to that, and I
12 think that that needs to happen, and I don't want to
13 get too far involved into new stuff without having a
14 chance to respond to that.

15 MS. DOUGHERTY: Laurie wants to respond to
16 the comments. I think you're right. You guys had
17 very little time for discussion last time, and one of
18 the reasons we're anxious to have people stick to the
19 agenda as presented is so we can get to those
20 discussions that you'd like to have so there's time
21 for discussion for those of you who are members of the
22 task force.

23 So we will work at getting more careful with
24 public comment and managing the time so it does not
25 infringe, as you say, Laurie, on the time that you

00044

1 would like to have to respond to what was said last
2 time.

3 There are a couple of comments here, and we
4 can take a second now, Laurie, if you had some things
5 you wanted to talk about specifically to address to
6 the lab's presentations, and then the next two items
7 on the agenda -- just to let everyone know -- we would
8 like to introduce in a couple of moments Mr. Phil
9 Armstrong of the Environmental Protection Agency, who
10 is going to give a presentation, and then we are going
11 -- then we are going to introduce or actually going to
12 have you, David, I think introduce Mr. Bernd Franke --
13 sorry, Bernd. He told me how to say it. I said it
14 wrong -- who is the City's representative. He's going
15 to be conducting an independent scientific evaluation
16 of some issues that we're looking at here.

17 And we'll have those people introduced, and
18 they will be making presentations tonight. Just so
19 you know, we don't want to cut into anybody's
20 presentation time, and finally David McGraw, member
21 David McGraw, will be introducing Dr. Owen Hoffman,
22 who is the Laboratory's independent consultant on
23 these issues. So we will have that, but, Laurie,
24 start with your comments. I think it's a great place
25 to start.

00045

1 MR. BRIGHT: Uhhh, to you that are just
2 here for the first time -- and my name is Laurie
3 Bright -- I represent a group called Citizens Opposed
4 to Polluted Environment, COPE, and we've been working
5 on toxic issues in Berkeley for about the last 10
6 years.

7 I just wanted to say that the presentation
8 that was done by the lab the last time I think really
9 narrowed the scope of the discussion that we need to
10 be having here to a point where it, to me, it wasn't
11 all that relevant. Many of you know, or maybe you
12 don't, that in addition to the medical research that
13 goes on in this facility, there is also currently
14 underway a review by the EPA, a de-listing permit
15 request by the lab to essentially turn this lab into a
16 toxic mixed waste treatment facility, and I think that
17 that needs to be part of our discussion, not only just
18 the sampling, but also what the lab intends to do with
19 this facility in the future because it will have an
20 effect on the health, the potential adverse health
21 effects on not only the employees, but also the people
22 that live around the lab.

23 They did some experimentation with a process
24 which they call oxidation of mixed waste last year,
25 and my understanding was it wasn't that successful,

00046

1 but it did cause accidents, which exposed employees to
2 fairly high doses of radiation from tritium which was
3 in samples that they were testing.

4 This new technology -- I also understand that
5 this type of new technology that they're trying to
6 research in this facility, if they're able to get it
7 approved will be exported to other facilities and to
8 other people who use radioactive material in their
9 research. I have to tell you that I am not in favor
10 of this. I think it's not a good use of this
11 facility. It's dangerous. It hasn't been -- it's not
12 a tested technology that has been proven, and to be
13 experimenting like that in the face of all of this
14 controversy over tritium and to be having accidents up
15 there testing new technologies to dispose of
16 radioactive waste in this way is, in my opinion, very
17 wrong.

18 And I think that the community is concerned
19 about it, and the lab needs to address that in their
20 presentations when they tell us that what they're
21 trying to do up there is cure disease, and that's all
22 they want to do. I think that was, at least in my
23 opinion, that was a bit misleading. So I would urge
24 that the discussion of the radioactive tritium and the
25 uses of it include not only historical uses and what

00047

1 might be there in terms of historical pollution, but
2 also what the lab intends to do and what the potential
3 health risks are of the activities they haven't told
4 us about. Thank you.

5 MS. DOUGHERTY: Thank you, Laurie. I think
6 we should allow you guys to question Laurie or comment
7 to what he just had to say for a couple of moments,
8 and just remind you guys, Laurie, that our focus here
9 is the sampling plan that we're talking about in front
10 of us, and Laurie has raised additional issues.

11 We've noted this down here, but just to keep
12 your minds on the fact that our focus here is on the
13 sampling plan, and we certainly respect that you're
14 also talking about tritium issues, Laurie. Do people
15 have comments for Laurie?

16 MR. WHIPPLE: I have just one. For
17 reasons -- perhaps my name appeared with this list;
18 perhaps my name is on this list -- I'm not sure how --
19 I got a phone call last week from a woman who works
20 for an EPA contractor inviting me to a March 6th
21 meeting in connection with this de-listing petition.
22 So there is an opportunity for anyone interested in
23 this to go to a public meeting on that subject.

24 MS. DUFFY: Anybody else?

25 MR. BRIGHT: My point was that I felt,

00048

1 Laurie, that the lab sort of brought it up in their
2 discussion of what they do at this facility because
3 the presentation we were given last week did not
4 include any of this type of activity. It does include
5 the same material -- it does include the waste that
6 comes from these other activities. So to me it's part
7 and parcel of the same thing, and it's a problem that
8 needs to be dealt with.

9 MS. DOUGHERTY: Thank you Laurie, and one
10 second, Dave, a comment real quickly. Also I think we
11 started talking about this last time, you guys. What
12 we're going to be dealing with here, a lot are issues
13 of distrust, and it's important to just name what is
14 probably happening here, which is there's not trust
15 that what was said last time was complete information,
16 and there's distrust going on here. We don't trust
17 each other, and may infer -- by the way, we're going
18 to work on it, but, Laurie, you don't have to agree
19 with me, but I wanted to say what feels like you're
20 saying a little bit not a whitewash, but it wasn't a
21 complete statement of fact from your perspective; is
22 that right? Yeah, okay. Dave?

23 MR. MCGRAW: I'm seeing -- as I gave the
24 presentation, I think I'm probably the one that should
25 take responsibility of responding, and certainly there

00049

1 was no intent to mislead the task force at all by that
2 presentation. That limited period of time, wanted to
3 stick to the agenda. We wanted to talk about the
4 (unintelligible) of the facility, and we did.

5 While that's true, we didn't talk about the
6 treatability study. That treatability study is no
7 secret. We're working very openly and publicly with
8 EPA. As Chris mentioned, there's invitations that the
9 EPA has given to presentation on the treatability
10 study, and we're trying to solve real problems.

11 We didn't talk about any of the waste
12 treatments. If the task force would find it useful at
13 some point in the future to go into more detail about
14 how all of the elements of the reactions are dealt
15 with, the labeling reactions are dealt with, if they
16 would find that helpful, I think that's something the
17 lab will be more than happy to do because there's
18 absolutely no intention to mislead by the lab
19 whatsoever.

20 I could have talked about other aspects of
21 waste treatment. I didn't think it was relevant to
22 the context of the time we had. I would like to stick
23 to tonight's agenda on what we had agreed to speak
24 about, but I would like to offer the invitation that
25 the laboratory would come back and speak about any of

00050

1 those issues surrounding the tritium facility or the
2 task force find useful and helpful

3 MS. DOUGHERTY: Gene?

4 MS. DUFFY: Is that called waste
5 streams?

6 MR. MCGRAW: We're looking at when you do
7 any scientific research under the EPA regulations, and
8 I think there would be lots of opportunity to talk to
9 be some of the regulators here after the meeting or a
10 break as well, but you generate material that's of no
11 use anymore, you have to treat that material
12 responsibly. EPA requires you to identify what that
13 material is, and it's usually assigned to what's
14 called a waste stream. Each waste stream from any
15 scientific research done anywhere, even medical
16 research done anywhere, has to be dealt with
17 appropriately with the regulations of the land.

18 So we were looking and are looking through
19 the treatability study into a better way to deal with
20 one of those waste streams, which would in fact cause
21 less net environmental impact. So when we do -- when
22 we are finished with the material, we do dispose of
23 that material and in a responsible way, and it's
24 usually assigned a particular waste stream, yes.

25 MS. DUFFY: Is that the same thing.

00051

1 MR. BRIGHT: Well, it's -- it's David's
2 spin on what it is, but my understanding is that this
3 treatability study is being used as a model here to
4 support this type of technology if it -- if it's
5 approved to other facilities.

6 That question was asked at the last
7 de-listing hearing, and the people from the lab said
8 that wasn't exactly correct, that if it was approved,
9 it would be exported to other facilities. I just --
10 my only point was that when you talk about what the --
11 what, you know, what the facility is doing and the
12 activities that go on there, it's nice to put a spin
13 on it that all's they do is medical research, and they
14 cure disease, and they do all these wonderful things,
15 but they basically leave out the parts, you know
16 about, oh, yes, we do create waste, and we -- it
17 pollutes, and if we put it in storage facilities, that
18 we have to keep it forever, and we have no other place
19 to put it basically except, you know, ship it out to
20 other states, that they can't put it anywhere here in
21 California. So we're just exporting our garbage and
22 our pollution to other places on the planet, and I
23 think that's wrong, and I think that they need to
24 'fess up to the fact that they have a serious problem.
25 They use radioactivity in what they do, and

00052

1 there's no real good way to deal with waste that's
2 generated from it, and in this particular case, it's
3 not only the radioactivity. It's also the chemicals
4 that are mixed with this radioactivity that are being
5 oxidized, burnt, incinerated, whatever you want to
6 call it. Whether it's chemical reaction or from a
7 blow torch, it amounts to the same thing that
8 chemicals, you know, gases and stuff are escaping,
9 going into the air, you know, other toxics are being
10 created by this, and there seems to be no
11 acknowledgement at all by the lab that this is a
12 problem, and if we keep talking only about whether or
13 not their labeling causes a problem, then we aren't
14 really getting at the real problem.

15 MS. DUFFY: Now, I have Gene and then --

16 MS. BERNARDI: Yes, I'd like to add --

17 FROM THE FLOOR: Can't hear you.

18 MS. BERNARDI: I'm sorry. I'd like to add
19 to what Laurie Bright said that there are other
20 chemicals that are being released as a result of these
21 waste treatability studies, and one of them is dioxin.
22 I think probably a lot of you have heard about that
23 because there is a coalition that is asking for zero
24 dioxin. I also think that this subject that, uhmm,
25 Laurie has brought up, the waste treatability study,

00053

1 is very relevant to what we're doing here.

2 MR. BRIGHT: Because the waste
3 treatability leads to emissions, which we're concerned
4 with and which further contaminate the environment,
5 and we have to do some sampling to find out the extent
6 of that contamination. I also do not feel that it's
7 -- I don't agree with what David McGraw said that it
8 wasn't deliberate to leave this out because I don't
9 think it's a coincidence that the same thing happened
10 with the last task force, which met for 27 months, and
11 we did not know -- they did not tell us, even though
12 we were meeting with them monthly, that they were
13 doing this waste treatability study. We found out
14 from the Oakland Tribune.

15 When the lab decided maybe they'd better tell
16 the public that they had this accidental release of 35
17 curies of tritium, an Oakland Tribune reporter called
18 me to comment on it, and I did not know about it.
19 That's how I learned about it. So I don't think it's
20 a coincidence at all that this is not discussed.

21 MS. DUFFY: Sue?

22 MS. MARKLAND DAY: Well, curious -- the
23 treatability studies, as far as I understand, are
24 required anyway with waste streams from both the State
25 and federal regulatory agencies. What I am curious

00054

1 about is that one of the things that the California
2 Land Ban -- which was quite famous in the mid-eighties
3 -- did was the State of California required us to work
4 to be able to take those waste that we generate and to
5 make those so that they're less toxic, and they ended
6 up banning several chemicals that had good ways of
7 treating them from ever being disposed of in the land.

8 These treatability studies, as I understand
9 them, help us build more data so we can have more of
10 those types of treatments in the waste. So we do less
11 pollution. I do believe that there's -- if this is a
12 big question, people, that at some point we should
13 really get some examples of what treatability studies
14 are and what their purposes are.

15 MS. DUFFY: We'll get this. They will
16 be recorded as well.

17 MS. DOUGHERTY: And Dick has a question.

18 MR. NOLAN: I think it's pretty obvious
19 that there's some genuine interest and concern about
20 the whole question of the treatability study and
21 related waste issues at the Tritium Labeling Facility.
22 What I'm concerned about is we're really straying off
23 the agenda, folks, and we've got a lot of things that
24 need to be covered.

25 The offer was made, and what I would suggest

00055

1 is that we calendar a specific discussion at a later
2 meeting on the subject of the treatability study and
3 related waste issues associated with the tritium
4 facility, and let's get on with it.

5 MS. DOUGHERTY: Thank you.

6 MS. DUFFY: And we are writing things up
7 on the board, and Sherilyn and I will make sure --

8 MS. DOUGHERTY: We want to -- and we note
9 that we've got an issue here need to bring it up and
10 agenda for further meeting as an agenda item with
11 appropriate presentations with experts and comments.
12 Is that agreed by everyone?

13 Okay. Let's move on. It's very important
14 right now that we get moving on the subject agenda for
15 this evening. We'd like to introduce right now -- oh,
16 actually, just for as a quick comment right in front
17 of you guys you have (unintelligible) you have in
18 front of you a copy of the current environmental
19 sampling plan that's got the blue cover on it

20 MR. WHIPPLE: Who could miss it?

21 MS. DOUGHERTY: I'm sorry. Who could mis
22 it. It weighs 20 pounds. For those members of the
23 public who are not obviously sitting up here, there
24 are documents -- copies of this document inside the
25 Doe library available for review at the library, and

00056

1 if you have a real issue and want -- desperately want
2 a copy of this yourself, if you will call Pat Duffy or
3 myself, we will be happy to talk to you about that.

4 MR. MCGRAW: Did you want me to comment
5 on this?

6 MS. DOUGHERTY: Yes, I do. I'm going to
7 introduce you. We're going to -- we want to do
8 introduction here, and we'd like to -- David's in a
9 hurry. We would like to introduce a couple of people.
10 We would like to introduce Phil Armstrong in just a
11 moment from the Environmental Protection Agency, who
12 is going to present, and David would like to give you
13 guys a sense of history of the environmental sampling
14 plan, what its relationship is to why you're here,
15 what are we doing here, and what are we talking about,
16 and then Mr. Armstrong -- where are you? You want to
17 go ahead and come up? You're going to be on in just a
18 second.

19 MR. MCGRAW: Thanks, Sherylin. So I would
20 like to just make a few comments about the sampling
21 plan and remind the task force that one of the most
22 critical issues before us I believe is getting to
23 sampling directly in the environment. To answer the
24 question is there any current health hazard, I was
25 struck by some of the earlier comments, just like in

00057

1 the public comment period, and I would just like to
2 remind some of the people there is a real lack of
3 confidence, and I think that's why it's so important
4 for us to comment on the sampling plan, modify the
5 sampling plan as the task force would see appropriate
6 and move forward and do real direct sampling in the
7 environment. That's the way we'll find out if there
8 in fact is a current tritium health hazard in the
9 environment.

10 Couple of comments that were made by some of
11 the other speakers that the lab is doing sham sciences
12 in this area. We're cooking the figures. Other
13 comments were we very much hope the monitors are well
14 placed or will be well placed. Another comment, we've
15 got enough data. We don't need any more sampling,
16 but, in fact, the EPA has asked us specifically to do
17 more sampling because they were approached by the
18 community and asked to take another look at our
19 Superfund status, and Phil Armstrong is going to
20 explain that process to you.

21 Part of the way EPA evaluates -- does that
22 evaluation of our Superfund status is to have us do
23 more sampling, so look at this sampling plan, comment
24 on it as appropriate. There's an opportunity here for
25 input. We need and want your input. There's an

00058

1 opportunity to submit sampling here. There's an
2 opportunity to speak to the integrity of the data by
3 redesigning the sampling plan if you like changes so
4 that there will be a high level of confidence.

5 The lab doesn't even have the opportunity to
6 cook the figures. Doesn't have an opportunity to do
7 the sham science because we'll design the
8 (unintelligible) and situation such a way that that
9 just won't be possible.

10 From my point of view, I think from the
11 laboratory's perspective, having your wisdom on the
12 sampling plan is one of the most urgent things before
13 us. There's various sections in the plan -- I won't
14 go through those sections -- but they include a
15 discussion of -- and please keep in mind this is a
16 draft. This is for your review. It can be changed
17 and should be changed.

18 There's a good discussion of the quality
19 assurance procedures. There is a discussion of
20 laboratories that are used, and note that I said
21 laboratories. There's a discussion of how samples are
22 split. There's a discussion of how the labs
23 themselves do QA, and then there's a sample field,
24 field sampling plan example in there, and then an
25 example of what a data set would look like. So I

00059

1 would urge us all to study this plan, come back and
2 ask questions. We need more tutoring on how and why
3 it was designed the way it is. We would be happy to
4 make sure that happened.

5 MS. DUFFY: Gene, go ahead.

6 MS. BERNARDI: The significance of this
7 sampling --

8 FROM THE FLOOR: Mike

9 MS. BERNARDI: -- depends upon whether
10 the National Tritium Labeling Facility is operating as
11 it normally does, and presently there is no way to
12 know that because the lab has not given us data since
13 -- well, we first requested in 1998 -- I believe we do
14 not have complete figures for as far back as about
15 1996, but co-chair Sihvola of the Committee To
16 Minimize Toxic Waste knows this all by heart. She
17 could tell you for sure.

18 Unless you know how much tritium has been
19 shipped into the lab, how many tritiations they're
20 doing, and how much is used up in those tritiations
21 and how much ends up as waste and how much is
22 re-cycled, unless you have all the figures on that,
23 you don't know how much is actually being emitted.

24 We don't even know if they have any tritium
25 now because they have refused to give us data on

00060

1 shipments since the last tritiation that we have any
2 data on is August 19th, 1997. And just as soon as
3 that was used up, the EPA and the lab went in to do
4 sampling. You don't find out what effect this has had
5 upon our health by looking at sampling that is done
6 when the facility may not be in operation.

7 I often hear the comment there is no imminent
8 danger. We're not looking at something that is of
9 imminent danger. It takes 20, 30, 40 years sometimes
10 to get cancer. If a pregnant woman goes to the
11 Lawrence Hall of Science, and tritiated water vapor is
12 absorbed through her skin and crosses the placenta to
13 her baby, that may affect -- that might cause genetic
14 mutations that are not discovered for a couple of
15 generations.

16 We need to think beyond current and beyond
17 imminent because this is a problem that takes years
18 for us to find out what the results are. That's why
19 we feel it's so important to look at the historical
20 data because there is lots of tritium in the trees, in
21 the soil, in the water that's infecting us right now.
22 We need to make sure that if you're going to do a
23 sampling plan it's looking at the legacy of the
24 emissions that have already occurred.

25 MS. DUFFY: Thank you. Whoops -- you

00061

1 all right? Can we move on? Did people want to speak
2 to Gene's point? I'd like to have Phil go on if
3 that's okay.

4 MS. DOUGHERTY: Okay. I'd like to take a
5 moment to introduce Mr. Phil Armstrong

6 MR. LAVELY: Before you go on, can I say
7 something about this big book? Attachment one is
8 really the sampling plan. Okay. The rest of it is
9 good information, but it's procedure, and how it's
10 done, and QA, and there are three sections of the
11 sampling plan: soil sampling, surface water sampling,
12 ambient air sampling, vegetation sampling. I think
13 this should answer the question of the only thing
14 that's going to be sampled for is air.

15 MS. DOUGHERTY: So you're saying that you're
16 disagreeing with the earlier comment that all that was
17 being sampled for was air, and you're suggesting that
18 there is also water sampling, soil sampling,
19 vegetation sampling?

20 MR. LAVELY: I would like to ask that
21 before people make comments on this plan they look at
22 it. That's all.

23 MS. DOUGHERTY: Thank you very much.

24 MS. DUFFY: Chris had something.

25 MR. WHIPPLE: I know when the risk

00062

1 assessment came out several years ago, there were a
2 lot of issues raised regarding pathways that might
3 have been overlooked or based on cases where there was
4 insufficient data to have the -- as to what went on,
5 and in the course of doing that, we discovered that
6 the lab had a fair amount of data, urinalysis of lab
7 employees, both of those who worked at the tritium
8 facility and those who worked in nearby buildings, and
9 I must say one who works environmental health risk
10 assessments, this is like they've been walking over
11 the gold mine on the way to the lead mine every day
12 because this really answers the question of what are
13 the exposures.

14 You can measure the stuff, and it is a
15 reliable indicator. It shortcuts the uncertainties in
16 whether people grow produce in their back yard that
17 gets tritium on it that they eat and so forth. If
18 they do, it shows up in their urine, and the question
19 I have is whether people consider a urinalysis as an
20 additional sample area for this plan because it
21 certainly from my point of view shortcuts an awful lot
22 -- large number of scientific uncertainties one where
23 assurance are going on.

24 MS. DOUGHERTY: I have not read the plan, so
25 I can't answer that. David, do you have an answer to

00063

1 that?

2 MS. DUFFY: Dick has something

3 MR. NOLAN: I'd just like to raise

4 another process comment. In the spirit of time,

5 trying to move this ahead, it seems to me that we need

6 to have a clear understanding of what the process is

7 going to be for us to comment on the sampling plan,

8 the schedule.

9 We have other agenda topics. We're going to

10 work the sampling plan in this session. What I would

11 like to do would be to suggest that we have a clear

12 understanding of how we're going to go about this task

13 and understand the schedule and maybe another part of

14 this meeting, but let's move on with the agenda that's

15 in front of us at this point is what I would suggest

16 MS. DOUGHERTY: Okay. Thanks, Dave.

17 MS. DUFFY: We'd like to do that, too.

18 Phil is starving back here. The man hasn't eaten.

19 MS. BERNARDI: Just take a second. We have

20 -- the City of Berkeley has hired Mr. Bernd Franke, an

21 independent research scientist from the Institute of

22 Energy and Environmental Research from Germany to

23 review the sampling plan. This is part of his

24 contract, and I would suggest that the process be used

25 is to wait until he comes out with his report and then

00064

1 convene this task force and review that report.

2 This is an awful lot of stuff to review. I
3 don't know how much time and skill everyone has here
4 to do an objective scientific review of a sampling
5 plan. That would be my suggestion. Let -- the man is
6 being paid to do this review of the sampling plan, and
7 then let's come back together and take a look at it.

8 MS. DOUGHERTY: Gene's made a suggestion of
9 about how we should go ahead. We should also comment,
10 Gene, that our understanding is that the purpose of
11 these first couple of meetings is to create a basis of
12 understanding and shared meaning amongst you guys
13 through hearing some presentations from some people,
14 and through questioning them and talking to one
15 another so that you could have a better understanding,
16 and we certainly appreciate this is a lot of data.
17 It's a lot of information, and Mr. Franke is going to
18 be speaking in just a few minutes about his role. So
19 we would like to have a chance to introduce him, but
20 first we'd really like to introduce Mr. Phillip
21 Armstrong of the Environmental Protection Agency, who
22 would like to do his presentation on what the purpose
23 of the sampling plan is and how we got to this point,
24 and Mr. Armstrong, I'm going to give you this
25 microphone.

00065

1 MR. ARMSTRONG: I'm Phil Armstrong. I work
2 with EPA Superfund program in San Francisco, and I --
3 can everyone hear me?

4 FROM THE FLOOR: Barely. Louder.

5 MR. ARMSTRONG: Okay. Is that better?

6 FROM THE FLOOR: Yes.

7 MR. ARMSTRONG: Okay.

8 MS. DUFFY: We got him working with you,
9 too.

10 MR. ARMSTRONG: In any event, I was just
11 saying my name is Phil Armstrong. I work with EPA
12 Superfund program in San Francisco. We cover this
13 region, which consists of Nevada, Arizona, California,
14 and Hawaii and other territories and so forth, and we
15 -- first of all, let me give -- you have my -- you
16 have my name. Let me give you my phone number in case
17 there are questions that you think of after the
18 presentation today and maybe tomorrow, something of
19 that sort, (415) 744-2349, and I work in what's called
20 the States, Tribes and Assessment Office, which is in
21 the Superfund program, and I'm responsible for site
22 assessments on several different sites, including the
23 Lawrence Berkeley Lab, and what I wanted to do is to
24 give you an overview of the Superfund process and then
25 a little bit more information about specifically the

00066

1 evaluation that we've done of the Tritium Labeling
2 Facility, and actually catching a cold, and I would be
3 very happy being interrupted by questions so that I
4 don't have to go on for too long.

5 Let me turn on this projector. First slide I
6 have here is an overview of the program. Sorry about
7 that. The Superfund program is basically a program
8 for identifying, prioritizing, and cleaning up toxic
9 waste sites, and you can see on this slide we began
10 with site discovery. Then we do what's called a
11 preliminary assessment and site inspection, hazard
12 ranking, and then if the site is on the National
13 Priorities List, we do remedial investigation,
14 feasibility study, remedy selection, remedial design,
15 remedial action, then site completion, close-out, and
16 there's also enforcement, public participation, and
17 for sites with immediate problems, removal actions.
18 So that's kind of an overview of the process in a
19 nutshell.

20 MS. PACKARD: What do you mean by removal
21 action?

22 MR. ARMSTRONG: Removal actions means that
23 there's generally an imminent and substantial danger
24 where there's something that's going to explode or
25 catch fire, branch out, for example, where there's a

00067

1 lot of highly toxic materials in a small area and
2 perhaps in a neighborhood where there are people.

3 MS. PACKARD: Come in and dig it up and
4 carry it away, is that --

5 MR. ARMSTRONG: That's exactly right. It's
6 not -- it's the short term dealing with the immediate
7 problem, and then they're gone.

8 MR. MCGRAW: I have a question. You
9 wanted to be interrupted, so I'm going to oblige.

10 MR. ARMSTRONG: Thank you.

11 MR. MCGRAW: I just want to clarify that
12 this is a process that we're not necessarily going to
13 take the Berkeley lab through that whole process. In
14 fact, as I understand it, clarify me if I don't
15 understand this correctly, we may be in that second
16 box right now, and we never may move past that second
17 box depending on what the sampling plan and other
18 evaluations discover is my understanding. Correct?

19 MR. ARMSTRONG: That's correct. What I was
20 laying out for you here is the kind of beginning to
21 the end of the whole process for a site that goes
22 through the whole process.

23 MS. DUFFY: Is sampling with the public
24 always part of the stage two? This kind of task force
25 set-up, does that always happen in phase two?

00068

1 MR. ARMSTRONG: As far as the site
2 inspection?

3 MS. DUFFY: Yeah, uh-huh. Would you ask
4 for public input?

5 MR. ARMSTRONG: It's not the norm, but when
6 there is a lot of community interest, and obviously
7 public is going to be involved, and I would say it's a
8 small minority of sites where there is just this level
9 of public interest.

10 MR. BRIGHT: Can I ask a question? I
11 understood that there had been some hazard ranking in
12 this particular case. Is that not correct?

13 MR. ARMSTRONG: That is correct.

14 MR. BRIGHT: So we have -- we have gotten
15 to the point now -- it's my understanding we've gotten
16 to the point now where the EPA has said that this site
17 may be eligible for the -- for the -- to be listed as
18 a Superfund site; is that not correct?

19 MR. ARMSTRONG: Where we are in the process
20 right now is this second box here, the preliminary
21 assessment site inspection.

22 MR. BRIGHT: Uh-huh.

23 MR. ARMSTRONG: And so what we're doing now
24 is we're gathering additional information to make a
25 decision on whether the site should move on to another

00069

1 level.

2 MS. BERNARDI: You have done the hazard
3 ranking, right?

4 MR. ARMSTRONG: If you're referring to the
5 third block here, no, we have not.

6 MS. BERNARDI: My understanding was that
7 the lab does indeed qualify as a Superfund site
8 because of the tritium in air samples in more than 50
9 percent of the cases was higher than the EPA's cancer
10 risk screening concentration. If you look at the
11 assessment which you sent to us, that's what it said,
12 that it qualified as a Superfund site because of the
13 hazard ranking core from the amount of tritium found
14 in air samples in the Lawrence Hall of Science in the
15 Math Sciences Institute.

16 MR. ARMSTRONG: Maybe as I go further along
17 in this explanation, these issues will become more
18 clear as to where we are in the process.

19 MS. DOUGHERTY: Just a second
20 (unintelligible). Looks like we have people have
21 (unintelligible) you'll understood understand why
22 they're confused. It sounds like you have
23 information, Gene, that says that they've had an
24 assessment that says they were eligible. Some people
25 I saw, they're nodding, people saying -- I'm sorry,

00070

1 Gene.

2 MS. PACKARD: And I wish I could remember
3 where I read it because it was something about ground
4 water and Strawberry Creek or something was where it
5 was.

6 MS. DOUGHERTY: Keith, did you have --

7 MR. MATTHEWS: No

8 MS. DOUGHERTY: But there's some confusion
9 here where EPA is on this process.

10 MR. BRIGHT: But the purpose of the task
11 force --

12 MS. PACKARD: EPA's --

13 MR. BRIGHT: Purpose of the task force is
14 to decide or for the EPA to decide whether or not to
15 put this on the list. Is that not correct?

16 MR. ARMSTRONG: The purpose of the sampling
17 the EPA has requested that the lab do is for us to
18 have a complete set of data that we could then use to
19 determine or make a final decision

20 MR. BRIGHT: Make a final decision.

21 MR. ARMSTRONG: Because this is basically a
22 decision making process. So it would be to make a
23 final decision, which would be made in the second box,
24 and then if the decision was to go forward, then we
25 would move on to the third box, which is actually the

00071

1 process of putting the site on the list, but we
2 wouldn't move on to that third box unless the decision
3 was yes, we want to put the site on the list.

4 MR. BRIGHT: Gotcha. Okay.

5 MS. DOUGHERTY: Everything gets -- we're
6 still in the second box (unintelligible).

7 MS. BERNARDI: I don't think that's
8 correct. From the assessment that I read -- I'm quite
9 familiar with it -- we were into the third box and
10 sounds like jumping back to the second.

11 MS. DOUGHERTY: Thank you, Gene.

12 MS. DUFFY: Phil, we're sort of stopping
13 in the very beginning. Let's let him keep going.

14 FROM THE FLOOR: Mike, use your mike.

15 MR. ARMSTRONG: Oh, sorry. Now, this
16 slide is a description of the -- just of the site
17 assessment process, just the first three boxes on the
18 first slide. And you can kind of see that the focus
19 of this process is determining whether there's a
20 problem at a site that then suggests that the site
21 should go on to the National Priorities List and then
22 on to long term action.

23 So that's basically the purpose of the site
24 assessment process is to identify and prioritize sites
25 that need long term remedial action from the

00072

1 Superfund, and the sites that don't go on I will
2 explain a little more about momentarily.

3 MS. DOUGHERTY: There are questions down
4 here. There are questions out here. Laurie, you had
5 something. Carroll?

6 MR. BRIGHT: I wanted to ask a question
7 about that last slide on the bottom there it says if
8 the decision is reached that if major threat is found,
9 blah, blah, blah, you can refer to a state authority
10 under RCRA. How does that work?

11 MR. ARMSTRONG: What that slide says is that
12 it can be referred to a state or to another authority
13 such as RCRA, only the RCRA program, and states like
14 California have their own Superfund type programs and
15 their own resources for cleaning up sites, and
16 oftentimes the state will want to do the assessment in
17 the clean-up under their own program and not involve
18 Superfund at all

19 MR. BRIGHT: Sounds like a deviation of
20 the authority.

21 MR. ARMSTRONG: Under the RCRA, the
22 authority is delegated to the state I believe it's the
23 Department of Toxic Substances Control. The Superfund
24 program is not a delegated program, and so EPA
25 administers the Superfund program. However, states --

00073

1 have -- most states -- I believe all states have their
2 own similar program, and the state can choose to clean
3 up a program under their own authority.

4 MS. DOUGHERTY: Clarification: Is everyone
5 on the committee -- is everyone fully aware of what
6 RCRA is, all the implications therein? You guys all
7 totally comfortable with RCRA stuff? Yeah? No? Is
8 there anybody that wants more information about RCRA?

9 MR. WHIPPLE: No one in the world fully
10 understands

11 MS. DOUGHERTY: Chris, I agree. Anyone that
12 wants more clarification about what the role of RCRA,
13 what we're talking about here? Anybody? Yes? No?

14 MR. BRIGHT: I just had one. We're told
15 all the time that -- by EPSC that they have no
16 authority over radioactive material, and we argue that
17 that is not the case. They really do under certain
18 conditions, and is this one of those conditions where
19 they would be able to become the regulator at that
20 point? Say if Superfund wrote the site off and
21 delegated it to EPSC. For instance, California, are
22 they then the regulator for these tritium emissions
23 for the clean-up or whatever happens under RCRA?

24 MR. ARMSTRONG: Let me try to respond to
25 part of the question, and let me just clarify when I

00074

1 say RCRA, I'm talking Resource Conservation and
2 Recovery Act, and my understanding is -- if there's
3 anyone from DTSC who is here, feel free to chime in,
4 but my understanding is DTSC does not have authority
5 over radium slides. The SDHS is the state agency that
6 has the authority, and if there's anyone here from
7 either of those agencies, feel free to correct me if
8 I'm misstating your authority.

9 MS. BERNARDI: I understood that Mr. Ecker
10 (phonetic) Bailey -- and I don't think he's here this
11 time -- from the State Department of Health Services
12 indicated last time that they do not have jurisdiction
13 over radium slides.

14 MS. DOUGHERTY: He was unable to be here.
15 Mr. Bailey called and was unable to attend. He does
16 have staff here, however. Any of his staff care to
17 answer that question on behalf of Ms. Bernardi? We
18 would be happy to hear your answer.

19 MR. WONG: Thank you. My name is Jeff
20 Wong --

21 MS. DOUGHERTY: Jeff, can you hang on?

22 MR. WONG: Thank you. My name is Jeff
23 Wong. I am from the radiology health branch.
24 Mr. Bailey was correct. He said from the point of
25 view that the branch does not really have regulatory

00075

1 authority over the federal facility, but we have, with
2 DTSC, have overseen clean-up sites that have mixed
3 waste also (unintelligible) waste. So we have come to
4 the agreement to with DTSF as the regulators for other
5 facilities. They have in a sense turned over the
6 radioactive materials actions to our branch

7 MS. DOUGHERTY: Does that clarify?

8 MS. BERNARDI: (Unintelligible) cover
9 federal facilities.

10 MR. ARMSTRONG: It still does cover under
11 federal facilities. For example, the -- for example,
12 there is another federal facility in Davis, the Lear
13 (phonetic) site, which we are working with DTSC. We
14 do have actually a contract with Department of Energy
15 for the radioactive material oversight.

16 FROM THE FLOOR: (Unintelligible.)

17 MR. WONG: Well, it's -- it is with the
18 Lear (phonetic) site, but --

19 MS. DOUGHERTY: Jeff, if you will address
20 the task force, that will be really helpful.

21 MR. WONG: So it is a federal facility,
22 but we have work for the DTSC for regulatory point of
23 view, for radioactive site point of view.

24 MS. DOUGHERTY: Okay. Phil, you only have
25 five more minutes because we need to get Mr. Franke up

1 here, and a couple other people need to speak, so
2 please --

3 MR. ARMSTRONG: I'll try to --

4 MS. DUFFY: They're clever.

5 MR. ARMSTRONG: -- I'll try to go through
6 the remaining slides much quicker. Beginning of the
7 process is site discovery, and sites come to the
8 Superfund program from a variety of sources. Once a
9 site comes in, then we determine whether it needs to
10 be put into our database and to have further
11 evaluation done. So this is an iterative process.

12 The preliminary assessment is the first step
13 in the process. It's basically a desk top review of
14 available data on site, which is fairly -- involves
15 making a lot of assumptions, and an HRS score is
16 calculated at that point, which determines whether the
17 site moves on to the next level.

18 The next level -- this is actually where we
19 are on LBL, which is where there's actually sampling
20 going on, and when we did the initial evaluation in
21 response to the request from the Committee To Minimize
22 Toxic Waste, we didn't do any sampling, and we just
23 used the existing data, and so at the SI stage,
24 samples are actually collected, and so that's the
25 stage that we're at now with LBL. The next stage is

00077

1 if the site qualifies after the SI is completed and
2 we've gone out and collected samples, we have our
3 complete data set. We have all the information. It's
4 legally defensible. Then we do the -- let me back up.

5 A management decision is made at that point
6 that the site should go or should not go on the
7 National Priorities List, and if the decision is to go
8 ahead, then a formal HRS package is developed, and we
9 go through a rule making process to actually put the
10 site on the National Priorities List.

11 MS. DOUGHERTY: Phil, I have one question
12 for you. What management decision -- who makes such a
13 decision and at what point does that happen? It
14 hasn't happened yet; is that correct?

15 MR. ARMSTRONG: That's correct because we
16 haven't yet collected the samples.

17 MS. DOUGHERTY: So it happens after the
18 sampling is complete?

19 MR. ARMSTRONG: Happens after the sampling
20 is complete and after we've calculated another HRS
21 store.

22 MR. MCGRAW: We're not there yet.

23 MR. ARMSTRONG: We're not there yet. This
24 is what the National Priorities List looks like now.
25 There's about -- as of February 2000, there are about

00078

1 1200, 1300 sites on the list, of which 55 are
2 proposed. 206 sites have been deleted. Also, there
3 are approximately 3,000 other sites that have also
4 been evaluated and which qualify for NPL, which our
5 decision has been not to put them on the National
6 Priorities List either because there wasn't a
7 significant environmental problem or because there was
8 another agency that was not available to conduct
9 whatever activities or follow-up are necessary on the
10 site.

11 MS. BERNARDI: How many was that again?

12 MR. ARMSTRONG: Approximately 3,000.

13 MS. DOUGHERTY: Phil, just a couple more
14 minutes.

15 MR. ARMSTRONG: Okay

16 MS. DOUGHERTY: Thank you.

17 MR. ARMSTRONG: This is a breakdown of the
18 National Priorities List sites in our region. You can
19 see that the bulk of them are in California. There's
20 a total of 114 sites on the National Priorities List
21 in this region.

22 This next slide is on LBL. We initially
23 evaluated LBL in 1991, and at that time, the tritium
24 issue was not at the forefront, and the decision that
25 was made was site evaluation accomplished. In other

1 words, the site did not go on to the -- the decision
2 at that time was that the site did not need any
3 further investigation, and it didn't need to go on to
4 the NPL, and, in fact, the decision was that it didn't
5 qualify, and that was in 1991.

6 And then in February of '97, we received a
7 petition from the Committee To Minimize Toxic Waste to
8 re-evaluate LBL based on -- specifically on the
9 tritium emissions from the National Tritium Labeling
10 Facility, and they submitted additional information,
11 and also the new data was submitted by the Department
12 of Energy.

13 So we did the evaluation based on the data
14 submitted by the committee and by the Department of
15 Energy. We did not use data that were collected
16 before 1995 because the conditions had changed. The
17 lab had instituted engineering controls in '95 that
18 reduced the emissions, and also the data -- prior to
19 that, the data quality were not what we needed, and
20 specifically the detection limits were not low enough.
21 Again, in this evaluation, we used the hazard ranking
22 system, which is a screening tool for setting
23 priorities among sites.

24 We also evaluated the other regulatory
25 authorities that applied to the site and what their

00080

1 roles and responsibilities were. Those included the
2 Clean Air Act, NESHAP's program, and they also
3 included the RCRA corrective action program. Those
4 were a couple of the authorities that we looked at
5 that could also address those same issues.

6 And our finding was that the tritium
7 emissions -- tritium emissions at the lab were well
8 within the NESHAP standards, which EPA believes is
9 protective of public health and which achieves the --
10 it's a safety standard for public health, and it was
11 promulgated in a two-year public decision making
12 process. Also, we asked for additional data as we
13 found that we didn't have enough data on the soil and
14 the surface water.

15 Again, for the data that was available at the
16 time, which was what we were asked to base this
17 evaluation on, the surface water at the site was below
18 the applicable public health standard, and also the
19 surface water and the ground water were not being used
20 for drinking water. The air, on the other hand, was,
21 as Gene Bernardi mentioned, exceeded our HRS screening
22 level, and so that led to the conclusion that the site
23 did qualify based on the air emissions.

24 MR. WHIPPLE: Can you explain what the HRS
25 screening level is and what it's -- what level

00081

1 protection it's based on?

2 MR. ARMSTRONG: Again, that's a screening
3 level. It's a different animal than the NESHAP
4 standard, which is a public health standard that HRS
5 screening level is set at the -- during the lifetime
6 of the exposure to tritium in the air. Okay. In the
7 lifetime of exposure, a person would experience an
8 increased chance of developing cancer equal to one in
9 a million.

10 MR. MILLER: What does HRS stand for?

11 MR. ARMSTRONG: HRS is the hazard ranking
12 system that's the screening tool that we use to
13 prioritize releases for condition of going on NPL.

14 MS. BERNARDI: The cancer screening level
15 of EPA is 50 pico curies per cubic meter of air, and
16 the lab in its health risk assessment predicts
17 releases of 100 curies per year of tritium tritiated
18 water vapor. That would be depending on whether
19 you're at the rear of the Lawrence Hall of Science or
20 the entrance, the equivalent of 1,000 to 1800 pico
21 curies of tritium per cubic meter of air. That's 20
22 to 36 times the cancerous screening level of the EPA.

23 MS. DUFFY: Is that correct?

24 MR. ARMSTRONG: Excuse me. What did you say
25 the level was at the Lawrence Hall of Science?

00082

1 MS. BERNARDI: It would be 1,000 to 1800
2 pico curies per cubic meter of air. If you have a
3 release, which the lab has predicted in its assessment
4 of 100 curies per year -- actually, I don't know what
5 they base that prediction on because their actual
6 releases for previous years, for the years that
7 they've given us data, averaged 215 curies per year.
8 Some of those years there were releases as high as 600
9 curies in the year. So that's going to be even
10 greater than 1,000 to 1800 pico curies of tritium per
11 cubic meter of air.

12 MR. ARMSTRONG: For Superfund evaluation, we
13 didn't use modeling data such as is used by NESHAP
14 program. We used the actual ambient air sampling
15 data.

16 MS. BERNARDI: That's what I'm talking
17 about. If you were testing the air when you have
18 released a hundred curies per year average, those --
19 the air samples would have 1,000 to 1800 pico curies
20 of tritium per cubic meter of air, 20 to 36 times the
21 EPA's cancerous screening level.

22 MR. ARMSTRONG: So is the question, then,
23 whether those levels are going to be captured by the
24 sampling plan or by the sampling that's going to be
25 done as a result of that plan?

00083

1 MS. BERNARDI: Well, the sampling won't
2 capture that if the tritium facility is not operating
3 in the typical way that it had been from 1982 to 1995,
4 approximately. In 1996, the tritium lab was closed
5 for about six months or so, and then we don't have
6 data for after that time. So we don't know what's
7 been going on.

8 MS. DUFFY: Let Phil --

9 MR. ARMSTRONG: I was just going to say that
10 I would expect that if LTP was going to go to all the
11 trouble of sampling, they would make sure it was being
12 done at a time when the lab was actually operating.

13 MS. BERNARDI: Well, that's ideal, but if
14 they want to make everybody feel that it's safe, then
15 they would probably do the opposite.

16 MS. DOUGHERTY: Let's comment for just one
17 sec. I think what we can capture here there's
18 questions about the integrity of the lab.

19 The sampling plan, part of why we're here,
20 we're here to put checks and balances and make sure
21 that all the people here get heard about their issues.
22 We have a time problem, people, and we have Mr. Bernd
23 Franke is here from Germany, and I'm quite concerned
24 that we are late in our schedule, and we would like to
25 feel Mr. Franke can have a few minutes with you, and

00084

1 we do have a time problem here, so I need to poll the
2 task force members and see if you guys are willing to
3 sort of suspend Phil for just a few minutes and let
4 Bernd have a chance to speak since he is here from
5 about a 6,000 mile drive. So --

6 MS. DUFFY: Phil's going to make a
7 closing comment, and then we're going to get Bernd up
8 here because we would like to -- we would also like to
9 give Mr. Hoffman --

10 MR. ARMSTRONG: I just wanted to acknowledge
11 that there does appear to be some confusion about the
12 difference between the screening level versus the
13 public health standard, and I hope we'll have a chance
14 to respond to the questions that you have.

15 MS. DUFFY: We're not suspending this
16 forever. This -- clearly we need to go to some of the
17 bottom lines around EPA's decisions and where we're
18 going from here. So the idea to bring Bernd up and
19 then we might have to have him back because as a
20 member of the task force, we can --

21 MR. MILLER: Who is --

22 MS. DOUGHERTY: I would like to introduce to
23 you guys for just a moment -- just, not to be flip
24 about this. Unfortunately, Mr. Nabil Al-Hadithy is
25 not able to be here. He would like to be here, I'm

00085

1 sure, and his representative, Mr. Fiedler has asked
2 that I introduce briefly to you on behalf of the City
3 of Berkeley Mr. Bernd Franke, who is here as the City
4 of Berkeley's contractor to take a look at these
5 issues. Mr. Franke has had 25 years -- 20. 20. He's
6 a younger man than I thought. So sorry.

7 20 years of experience in looking at the kind
8 of issues you're going to be going to the sampling
9 plan. He's worked in the Marshall Island. He is -- I
10 said he's from Heidelberg, Germany, and he'd like to
11 speak for a few minutes about his role and the City of
12 Berkeley's role and what's going on as far as his
13 contract and his arrangement.

14 MR. FRANKE: Thank you. Thank you so
15 much, and it's an honor to be here tonight. I'm glad
16 I didn't have to drive, but let me explain how the
17 City of Berkeley hires somebody who is living away. I
18 lived in the United States for quite a few years. The
19 past three years, I've lived in Washington D.C. and
20 worked at the Institute of Energy and Environmental
21 Research. That is how I got involved in the process
22 of the community which is concerned since the
23 Institute has been doing similar types of
24 involvements.

25 Marshall Island was mentioned. I was

1 scientific management team of the (unintelligible)
2 settlement projects where the people (unintelligible)
3 was contaminated, wanted to know whether they could go
4 back to their (unintelligible), so they hired a --
5 specifically people of not from the United States
6 because they didn't trust the very country which had a
7 caused the contamination.

8 So there was a case where trust was given to
9 me, and I tried to work hard to respond to that
10 adequately as I can. I'm a scientist above all, and I
11 have been working in the United States in similar
12 circumstances, such as Los Alamos I was a monitor of
13 the first independent audit of the Los Alamos National
14 Laboratory, which was checking whether the laboratory
15 was in compliance with the Clean Air Act.

16 That audit, of course, was pretty lengthy
17 process and involves a lot of detailed investigations.
18 The audit was actually performed by another
19 organization, and my role together with my colleague
20 was to make sure that it was an (unintelligible).

21 So I tried to do something similar over here,
22 and while the negotiations were going on between the
23 Institute and the City of Berkeley as to what should
24 be done with this contract, I moved become to Germany
25 for personal reasons with my wife and my son. So that

00087

1 is how I am nine times on the way, but my heart is
2 here in Berkeley, too. I like the place very much. I
3 have to say it's quite European.

4 And I wanted to explain to you what the city
5 has asked me and my organization to do, and that is to
6 provide an independent review of data and of the
7 models and the conclusions derived from these data.
8 So the starting point is exactly the situation like
9 this where the city expects me to review and collect
10 the areas of concern which the community has, members
11 of the community have, and I have spent the last few
12 days listening to a lot of people, and I believe that
13 many valid concerns about the facility and the data,
14 which has been gathered, and the models which have
15 been used to derive conclusions, and I try to do my
16 best to be as complete as possible.

17 Now, this is a finite project with a finite
18 budget, a finite amount of time. So I need a lot of
19 help of input into not forgetting the most important
20 issues, and so I need your help to -- the community's
21 help to prioritize those issues, and let me also
22 explain a little bit about my method.

23 The method is after I have gone through a lot
24 of areas of concern, I try to use what I call the
25 "geogypsum" tactic, giving back as much work as the

00088

1 laboratory have offered me assistance, and I take the
2 word of Mr. Shank and Mr. McGraw that the laboratory
3 will provide information, will provide answers to the
4 questions raised as much as they can do, and it will
5 be my job to report back to the community as to
6 whether the answers to those questions are complete.

7 I, for starters, have tried to sort the areas
8 of concerns into three major areas. One has to do
9 with the question whether the laboratory's emissions
10 are in compliance with the Clean Air Act provisions.
11 Is what comes out of the stack in compliance with the
12 law, or is it not? And that doesn't only mean that
13 the numbers, the resulting concentrations have to be
14 below the standards, but also are the other items set
15 forth in the NESHAP, the Clean Air Act provision,
16 Radionuclear Act such as the data is very viable that
17 there is a documented quality control in place that
18 the data can be trusted above all. So that's one big
19 area is the current emission or the projected
20 emissions, are those in compliance with the law.

21 The second area is what I guess the major
22 purpose of this meeting is to look at what is called
23 the legacy of past emissions, the contamination at the
24 NTLF, and whether the data, which is available and
25 which will be gathered around this facility, is

00089

1 adequate to answer the concerns, to answer the
2 questions which the EPA and other people have about
3 the risks coming from those legacies in the soil and
4 in the bioradioactive (unintelligible) and so forth.

5 There is a third area which I'm looking into,
6 and that is the past exposures which have long gone,
7 so which have not left a trace because the facility
8 also has other sources of radiation or had other
9 sources of radiation such as the accelerator, and as
10 we have seen thus far, they are quite a few years in
11 which those have been substantial from those
12 operations, and I believe it is important to look at
13 the historical data because the community has concerns
14 about the cumulative impact of the facility. I have
15 one more minute.

16 MS. DUFFY: Yeah.

17 MR. FRANKE: Okay. So I want to give one
18 example of what I -- how I do it because it is quite
19 theoretical. I'm looking through the reports, and one
20 instance, for example, which I find remarkable because
21 that in 1972 the laboratory reports a release of
22 tritium of 0.0 curies. I also then looked into the
23 environmental report and found that that same year,
24 the average concentrations of the Lawrence Hall of
25 Science for tritium where the releases were such as 50

00090

1 curies or 100 curies.

2 That's an obvious contradiction. Something
3 must be wrong. Either there was an emission in 1972
4 higher than zero, so were not all emissions monitored
5 is my question, or was there something with the
6 monitoring of tritium in ambient air.

7 Now, that is a scientific question, and it
8 should be resolvable, and I gave that ball back to
9 Mr. McGraw and his staff and hope to get the answers,
10 and I will report back to the community when I get the
11 answers, and I guess that's quite -- it's a good
12 process. It's an honest process.

13 We are looking into past data. We are
14 looking into the current data, and I tried to do the
15 best job possible, but, as I said, I need your
16 assistance. I need the help. I get lots of feedback
17 from some members of the community, which I value very
18 much, who have been very dedicated to gathering
19 information. And I need more input, as much as I can
20 get so that I can give back the trust which has been
21 advanced to me.

22 And I know that's good, especially in this
23 situation, and I hope to report back by June or this
24 year with the first technical report, which also
25 contains comments on the sampling plan, and then the

00091

1 final or the draft final report is due by the end of
2 the year, which is dealing in other areas as well.
3 There will be a period to give comments to that draft
4 final report, which I try to incorporate, but I hope
5 to make this an open process. Now, of course, it is
6 complicated. I'm extending more than a minute.

7 MS. DUFFY: I noticed that.

8 MR. FRANKE: So I have to hurry up.

9 MS. DUFFY: I'll just sort of hang
10 around.

11 MR. FRANKE: I hope that this will be an
12 open process, that you will feel comfortable getting
13 in touch with me through e-mail, which is one good way
14 because then one can sleep overnight and come back the
15 next day with the answer.

16 But I also have enlisted the help of the
17 scientists living in Oakland, Tony Greenhouse
18 (phonetic), who unfortunately is not here tonight, but
19 he is assisting me in this. So please try to get in
20 touch with me. I will put my name and e-mail address,
21 I guess best way to get in touch with me if you have
22 any questions. If you want to give input into the
23 process or would like to get informed, I will do my
24 best as I can. Thank you so much

25 MS. DOUGHERTY: Thanks, Bernd. Thank you

00092

1 very much. We are aware you guys have questions, I'm
2 sure, for Phil and for Bernd, but I'd like to take a
3 moment to have David McGraw introduce the lab's
4 independent scientist for their --

5 MR. MCGRAW: Before you do that, I want
6 to introduce Dr. Hoffman, we have asked to help us
7 work with Bernd, make sure he gets everything he
8 needs, but before I do introduce Owen, I want to thank
9 Bernd for his comments and say that I, on behalf of
10 the laboratory, I highly endorse him being here and
11 the process, and I hope that the task force will take
12 him up on his invitation to communicate with him and
13 to ask him technical questions as well as us.

14 So we have opened up the laboratory to Bernd.
15 He spent a long day with us yesterday. We introduced
16 him to the American working lunch, and I think he got
17 everything he needed. I hope he did. We certainly
18 committed to him that we will give get him everything
19 he needs, but I just wanted to comment the laboratory
20 is very pleased that he's here. It's our intent to
21 work openly with him.

22 Also, if Bernd finds anything at the lab, the
23 laboratory will respond appropriately, and the sooner
24 -- if it's something that we need to respond to fix,
25 the sooner we know something like that better. So

00093

1 we're very pleased to have him here so that he does
2 get everything he needs in a timely fashion because
3 some of our staff have their main mission to
4 accomplish.

5 We've asked Dr. Owen Hoffman to work with us
6 to facilitate Bernd getting everything that he needs,
7 and Owen, would you stand up so we can see who you
8 are? Owen earned his Ph.D. at the University of
9 Tennessee, environmental scientist by training. He
10 worked at Oakridge Laboratory for many years, but he's
11 of president of Sunny's Oakridge Incorporated Center
12 for risk analysis.

13 Owen is an expert, recognized expert,
14 actually nationally and internationally on transport
15 and release of the (unintelligible) of radioisotopes
16 through the environment. His expertise is recognized
17 by him being assigned to many (unintelligible) such as
18 NCRP, the National Committee for Radiation Protection,
19 and ICRP International Committee for Radiation
20 Protection. He's a member of the EPA Science Advisory
21 Board, and he's also worked extensively with CDC on
22 advising them on when and how -- on when it's
23 appropriate to do health studies at DOE facilities and
24 how those studies should be done. So we're very
25 pleased to have someone of Owen's capability and

00094

1 experience to help us on this assignment as well, and
2 I hope the task force will take advantage of Owen
3 being available.

4 Owen, I know you'll have some cards
5 available. People can get your e-mail. If you don't
6 get Owen's e-mail tonight, I'll be happy to forward it
7 to any of the task force members.

8 MS. DUFFY: Owen, you want to say
9 anything?

10 MR. HOFFMAN: Just like to say I'm pleased
11 to be a part of this process, and I'd like
12 (unintelligible) Oakridge, Tennessee. My home is San
13 Leandro, California. I was raised in San Francisco
14 and set my high school record in the 880 here in the
15 (unintelligible). And so in a way it's home to me as
16 well.

17 Bernd and I have actually known each other
18 over decades, and he said he had 20 years of
19 experience. He's wrong. He's had 22 years'
20 experience because I remember working with him in 1978
21 in Germany.

22 MS. DOUGHERTY: Caught in the act.

23 MS. DUFFY: Well, as usual, we're
24 disappointed you guys didn't get to talk enough to
25 each other. So you can see why we get kind of rigid

00095

1 about giving away time. So we hope you'll hold off
2 the process as (unintelligible) we obviously need more
3 time with EPA it seems to me, especially if you ask
4 some questions about the sampling plan after you've
5 read some of your homework, and because it isn't clear
6 -- I mean, there's clearly a lot of information
7 floating around. People have different belief systems
8 about and different facts about and not clear
9 (unintelligible) issue is not very clear, it seems,
10 and I think we have to discuss that and get to some
11 basics so you guys can understand, have a foundation
12 to go from. So I would propose that we probably add
13 -- have more time with EPA next meeting if people
14 would be helpful to you guys

15 MS. DOUGHERTY: How do you guys feel about
16 that? So we need more time with EPA next agenda.
17 Other (unintelligible) task force members is we have
18 been responsive to the request from the public to have
19 public comment first. Originally, as you recall, we
20 suggested public comment be last. We have moved
21 public comment to the beginning because there was a
22 consensus that most task force members thought that
23 was a good idea.

24 It was eating your time, people, and so I
25 wanted you guys to take some decisions or think about

00096

1 carefully where you want public comment periods. Do
2 you want them together at the beginning, at the end,
3 split? But right now, you task force members are
4 going to go home tonight without having very much time
5 to talk, and we are very supportive of public being
6 able to be involved in the process, but there is an
7 issue of time. We have to be respectful of all of
8 your time. We are concerned that it is 9:02, and
9 we're not letting you go.

10 So if you guys want to take a second to
11 discuss it amongst yourselves, do you still all agree
12 that you want public comment at the beginning? Do you
13 want it moved to the end? What would you like to do
14 about that because it is an issue for us right now.

15 MS. DUFFY: We can also give you a
16 little time to think about it and poll people by
17 phone, or you can e-mail us opinions.

18 MR. BRIGHT: I think we need to think
19 about it and poll during the --

20 MS. DUFFY: Break

21 MS. DOUGHERTY: What --

22 MS. FISHER: Well, at the first meeting,
23 I thought it was rather important to hear the public
24 comments because they had obviously come in with
25 something on their mind that they wanted us to share,

00097

1 and I found that helpful. I think now it would be
2 better if the comments were at the end so they could
3 comment on any new things that come up during the
4 course of our meetings.

5 MS. DOUGHERTY: Who else? Chris?

6 MR. WHIPPLE: I particularly think that
7 it's important as the panel starts to get into the
8 meat of the issue that the members of the community
9 who are here at the end of discussion can say no, no,
10 you guys got that all wrong over here. You
11 misunderstood something and not have to leave thinking
12 that, gee, I'm frustrated that I -- that I didn't get
13 to say that. I think that is a key to us as creating
14 that opportunity

15 MS. DOUGHERTY: Remember for you panel
16 members, for you people on the task force, you're --
17 the role of -- the purpose here is to inform you, and
18 to keep you guys informed, feedback you may not be
19 getting from one another. So we agree and understand
20 that it's very important that you have their feedback.
21 The question is simply when, and when is it most
22 useful to you.

23 MS. DUFFY: Now, also one issue that's
24 obvious is the next meeting time, that you guys
25 suggest possible meeting times.

00098

1 MS. PACKARD: Before we come to any
2 decision on public comment, I think it's very
3 valuable, and I also think it's -- someone did mention
4 that they left afterwards, and they hadn't had an
5 opportunity to address something people said. Okay.
6 I would personally be inclined to suggest that we
7 split it 20 minutes before, 10 minutes after, keeping
8 it kind of contained.

9 MR. WILLIAMS: I don't have any comments
10 about the public comments portion of the meeting, but
11 the thing that I want to know is that in preparation
12 for the next meeting or for the next, you know, what
13 will be the agenda? How can I prepare for it?

14 MS. DUFFY: Yeah. Okay.

15 MS. DOUGHERTY: Right, and I think that's a
16 valid question. You guys want to talk about --
17 anybody else comment on Carroll's point, how can they
18 prepare if we keep getting off topic, et cetera, very
19 hard for you to --

20 MR. WILLIAMS: For instance, you have down
21 the EPA process and the sampling plan. This is the
22 first time I've seen this document. Obviously I
23 haven't had a chance to look at it at all, and so I'm
24 wondering, you know, in preparation for the next
25 meeting, am I expected to be familiar with the plans,

00099

1 you know, the material that's here in this plan, and
2 how much of it?

3 MR. MCGRAW: I think that's an excellent
4 point. What I would offer we do is if it would be
5 helpful for us to prepare an executive summary of why
6 the sampling plan is in its current phase, which --
7 and I would offer that EPA can maybe bless this
8 executive summary if -- the sampling plan from their
9 perspective, if it would be helpful for us before this
10 next meeting to prepare such a summary in fairly
11 timely fashion, next several days, get it out to all
12 of the task force members and then commit to the next
13 agenda in correspondence with EPA, or maybe the EPA,
14 in fact, could be the lead presenter, and the lab
15 would be happy to do it, explain the thinking behind
16 the sampling plan, what's the philosophy.

17 You phrase this why do we do this sample
18 here? Why is it in this media? Why is it this number
19 of samples? We would be happy to (unintelligible)
20 that so executive summary in the next several days,
21 and perhaps dedicating a piece of the next agenda to
22 talking about the philosophy "why this?" Would that
23 be helpful?

24 MS. DUFFY: David's saying you wouldn't
25 need to read much of this book

00100

1 MR. WILLIAMS: I was planning on reading
2 this and maybe coming back with questions about items
3 that I don't understand, and, you know, more or less
4 asking questions why you're doing it this way rather
5 than perhaps some other way.

6 MR. MCGRAW: Absolutely.

7 MR. WILLIAMS: Maybe an executive summary
8 might be useful, but I can't -- I really don't know.

9 MR. MCGRAW: Absolutely. If you've got
10 questions on the sampling plan, the person that you
11 should direct those questions to will make sure that
12 e-mail goes up on the board too is Ron
13 (unintelligible) or myself. We'll put both of our
14 e-mails up on our board before we leave tonight. So I
15 would offer any of the task force members between now
16 and the next meeting --

17 MR. WILLIAMS: Wait. I thought if we're
18 going to discuss this, it would seem to me that the
19 proper time to raise questions would be at our
20 meetings because some of us may raise questions that
21 others hadn't thought about, and we kind of feed off
22 each other in terms of group dynamics. I mean, me
23 getting back to you personally, you know, might be
24 useful, helpful to me, but it doesn't help anyone
25 else.

00101

1 MR. McGRAW: Would it be helpful to set up
2 a chat room between now and the next meeting and save
3 all those questions?

4 MS. DOUGHERTY: Is or is it not useful here?

5 MS. DUFFY: I think it's useful here.

6 MS. DOUGHERTY: I think the question really,
7 Carroll, am I understanding you to ask how prepared
8 are we supposed to be for the next meeting? What
9 should be read? What should we have done?

10 MR. WILLIAMS: My expectation is that I
11 should -- I should at least read this attachment one,
12 which is the sampling plan, and so I may come back
13 with questions about with items that I don't quite
14 understand, and what I'm suggesting is that the proper
15 forum to raise those questions is this group --
16 because others may think of other things -- to raise
17 questions about that the process of -- the dynamics of
18 the process allows us to feed off each other.

19 MR. McGRAW: From the last perspective,
20 we're very comfortable with that.

21 MS. BERNARDI: You said you were going to
22 call on --

23 MS. DUFFY: Yeah, I did. Gene?

24 MS. BERNARDI: Well, yeah, I wanted to say
25 that I agree with Carroll, and that fits in with

00102

1 dialoging with which we've read.

2 MS. DUFFY: That's exactly right.

3 MS. BERNARDI: And also with regard to the
4 question of the public comments, I like Fran's idea
5 except that I would suggest that they have 20 minutes
6 in the beginning and 20 minutes at the end.

7 MS. DUFFY: Okay, we'll poll that.

8 MS. DOUGHERTY: We'll poll (unintelligible).

9 MR. WHIPPLE: When I think through how I
10 would review this sampling plan, I find that I think I
11 need to understand better what questions the EPA is
12 trying to answer, what their process is, what their
13 criteria are to know whether the plan is adequate,
14 appropriate, or insufficient in some way. So I know
15 we talked about having EPA back and getting more
16 detail, but that to me is clear need in sizing up the
17 sampling plan.

18 MS. DOUGHERTY: Let me just take one second,
19 one second, let me address something. What we've got
20 on the table right now is a suggestion that one way to
21 prepare for the next meeting is to read attachment
22 number one, okay, the sampling plan itself. Is that
23 something everybody on the task force can agree to do
24 by the next time?

25 MS. DUFFY: Paul brought that up

00103

1 earlier.

2 MS. DOUGHERTY: Paul did raise that earlier
3 as to everything else is prima facie. Okay. So can
4 we all agree, polling you guys, that's a way to
5 prepare? Another way to be prepared, you guys, is
6 some of you are more extroverted than others. Some of
7 you have stronger points about things. Just please
8 remember even if you have an extroverted personality
9 to try to be respectful of those who may not speak as
10 easily as another in the group. So, again, trying to
11 hold our process stuff to a minimum so we can get the
12 conversation would be very useful as we move forward.
13 There was somebody else. Sue?

14 MS. DUFFY: No, Laurie

15 MR. BRIGHT: Yeah. I had a question. We
16 got a document I think from the Department of Energy
17 which was response to consolidate comments, and I just
18 kind of read through it, and it was very interesting,
19 and I wondered if we could all look through that, too,
20 and I had a question about it, which is have these
21 comments already been incorporated in the document, or
22 have these comments yet to be incorporated in the
23 document?

24 MS. DOUGHERTY: Is there a name on that?

25 MR. BRIGHT: It's letter from Philip

00104

1 Armstrong, Environmental Protection Agency, to --

2 Philip Armstrong from --

3 MR. NOLAN: Me.

4 MR. BRIGHT: Right, from you.

5 MS. MARKLAND DAY: I don't know where it is.

6 MR. BRIGHT: I don't know where I got it,
7 but I was reading through it. Extremely fascinating,
8 and raised a lot of questions, too, but it does have a
9 lot of really good information as to how to make the
10 model better, and --

11 MR. NOLAN: This product was in response
12 to EPA's analysis of the initial plan and in which
13 they raise several questions, all of which were listed
14 in that response, and the answer is those responses
15 have not yet been included in the plan.

16 MR. BRIGHT: I'd recommend that everybody
17 read it because I think --

18 MR. NOLAN: It goes --

19 MR. BRIGHT: -- information in there is
20 really good.

21 MR. NOLAN: I appreciate that, and it
22 goes right to Chris's comment, which is it gives you a
23 picture of what EPA's expectations are with regard to
24 the formulations of the sampling plan. So that should
25 really be read as well before the next meeting.

00105

1 MS. DUFFY: Everyone get it? It's in
2 front of your book right here.

3 MR. MCGRAW: Just want to clarify, no
4 executive summary? No chat room? My staff will be
5 delighted.

6 MS. DUFFY: Go ahead

7 MR. NOLAN: Dick, I was going to suggest
8 although your staff will hate me, I think there are
9 some folks on the panel that might benefit from an
10 executive summary. If it's no use, it's not necessary
11 for them to read it, but I think some folks would
12 benefit from it, and it certainly can do no harm.

13 MR. MILLER: Would you want to put that
14 (unintelligible), the executive summary?

15 MS. DUFFY: Is that okay?

16 MR. MILLER: Yeah

17 MS. DUFFY: It will be EPA's approval.

18 MR. MCGRAW: I'll run it by Phil before
19 we send it out, address the task force. Phil, is that
20 all right with you?

21 MS. DUFFY: We'll run by the executive
22 summary to you make sure.

23 MR. ARMSTRONG: We don't need the executive
24 summary. We can do that without our --

25 MS. DUFFY: Sort of to legitimize it I

00106

1 think partly because there's trust issues here.

2 MR. MCGRAW: Certainly make sure you're
3 copied.

4 MS. BERNARDI: I'd like the executive
5 summary in hard copy, please.

6 MS. DOUGHERTY: Anybody else like the
7 executive summary hard copy? Can we note that anybody
8 not receive it --

9 MS. MARKLAND DAY: Okay.

10 MS. DUFFY: Sue.

11 MR. WILLIAMS: I guess I'll think of this
12 -- I don't want to tie up a printer for about half an
13 hour.

14 MS. PACKARD: I just wanted to say I like
15 the way those minutes were done as far as four pages
16 on a side. That really helped a lot, and I hope you
17 have my correct e-mail address because it isn't --

18 MS. DUFFY: It's not right. Okay.

19 MS. PACKARD: -- the sheet you have.

20 MS. DOUGHERTY: Anybody who has corrections
21 on e-mail addresses or inadvertently put the wrong
22 thing, Sherie Reineman, please make sure she makes the
23 corrections.

24 MS. DUFFY: Go ahead.

25 MS. DOUGHERTY: Paul had a comment. Paul

00107

1 wanted also -- allow you a chance to talk about the
2 issue.

3 MR. LAVELY: I had flipped through this
4 so I guess I cheated a little bit and churned ahead.
5 The problem I see is that you really kind of need a
6 summary of what the sections are as to why they're
7 there, what the purpose of the sections are, because
8 this (unintelligible) it's complex enough, but if you
9 could have a "Why did you include the section of the
10 procedures?" And "Why is it that quality assurance of
11 the sampling and of the samples and of the custody is
12 so important? Why is that section there?" Because
13 the actual sampling plan is a relatively small
14 section. The rest of it is all the back-up material
15 that makes it valid, but it's -- that's not clear I
16 don't think.

17 MS. DOUGHERTY: So in your summary, Paul,
18 you'd like to see a simple explanation as to the whys
19 for the outline and structure of the document; is that
20 correct?

21 MR. LAVELY: I think that would be
22 helpful to people, something that could actually --
23 maybe one sheet for each of the sections that could go
24 in front of that section to say Why is this here?
25 What is this doing in this big book? What am I

00108

1 supposed to gather from this? Should I read this in
2 detail, or is this just some background information
3 that we're using to prove the EPA procedure that EPA
4 said this is how you do it? We wrote it onto our own
5 stationery. That's what it is.

6 I don't need to review that very deeply, and
7 I think that will cut down on everyone's time. Seems
8 to me the most important part is the attachment one,
9 which is this is what we want to sample. The rest of
10 it is very important, too, may not be as important

11 MR. BRIGHT: While I'm with that, I think
12 it's really important that we have the experts --
13 since LBNL has their expert, the City has their expert
14 -- to comment on those issues. If there are issues in
15 the sampling plan, and they do come up, I would like
16 to hear from those folks, you know, how they feel
17 about these different issues as they go along, and I
18 hope that there will be time to do that, and they will
19 be able to --

20 MS. DOUGHERTY: We don't (unintelligible) on
21 the that has to do the setting the future agenda. A
22 number of you have come to us and made clear that you
23 would like to have various and sundry experts sit on a
24 panel to address some of these issues. There have
25 been a number of names mentioned. Some of you feel

00109

1 strongly about some people as experts. Some of you
2 feel strongly about others. I just want to open this
3 up briefly because we would like to have David -- is
4 this right? -- the next meeting.

5 MR. MCGRAW: Well, I'm not sure.

6 MS. DUFFY: I don't know if we'll have
7 time.

8 MR. MCGRAW: (Unintelligible) some
9 sampling there. I don't think it's appropriate for
10 the next meeting. I think the next meeting needs to
11 be the sampling plan.

12 MS. DOUGHERTY: The meeting after the next
13 meeting, conversation we're thinking about would be to
14 have a panel no more than four humans that you guys
15 need to pick together that you could agree on. We
16 expect that they'll be a representative opinion on the
17 panel. So, you know, I don't want to be ridiculous,
18 but everything from I want radiation on my corn flakes
19 to (unintelligible) should be acceptable as something
20 for you guys to bring. I think all those positions
21 need to be heard if that's what you would like to hear
22 from -- please, Sue.

23 MR. MARKLAND DAY: I'm certainly a total
24 novice as to experts. They would all be meaningless
25 to me. So how would I know whether one's a good one?

00110

1 We would have to have C.V. of -- certainly of the
2 group that's out there, some kind of credential so we
3 know who they are.

4 MS. DOUGHERTY: That's a good idea.

5 MS. DUFFY: And, yeah, and I think one
6 sort of obvious person that's already been brought up
7 is Dr. Gofman. I think you gave a little speech on
8 him.

9 MS. BERNARDI: I mentioned that the book
10 he had written, but it wasn't (unintelligible) also
11 conducted it.

12 MR. LAVELY: What was the purpose of the
13 -- of these --

14 MS. DUFFY: Experts.

15 MR. LAVELY: Experts on what?

16 MS. DUFFY: Radiation.

17 MR. LAVELY: We're not dealing with the
18 specifics of the radiation. We're doing total
19 sampling.

20 MR. BRIGHT: What I had in mind was to
21 have the experts we already have.

22 MS. DUFFY: Oh.

23 MR. BRIGHT: When is the City's
24 consultant and LBNL's consultant available? When
25 we're going through the sampling plan when we have

00111

1 questions about is the model adequate to have those
2 two folks available to answer questions about specific
3 parts of the panel.

4 MR. MCGRAW: I like that suggestion as a
5 first step.

6 MR. BRIGHT: I would feel a little more
7 comfortable having that explanation come from them
8 than I would say from --

9 MR. MCGRAW: If he could do that I
10 appreciate that suggestion. It's an excellent
11 suggestion because if we focus on the sampling plan,
12 get the task force informed of the sampling plan, do
13 this until I think that --

14 MS. DUFFY: Yeah.

15 MR. MCGRAW: -- come back.

16 MS. DUFFY: Paul had something about
17 just wanted to bring it up.

18 MR. LAVELY: I look around, and I know
19 that some of the people that are here have done work
20 on risk assessments and on risk management, and one of
21 the issues here is that this is part of risk
22 assessment. We're being asked to review something
23 that's being suggested to gather information and to
24 then provide that, the results of that, to people who
25 will be doing further risk assessment so that the

00112

1 people who are the risk managers can make an informed
2 decision. The decisions that we're to do are how to
3 make sure that we get the best sampling, the most
4 accurate sampling.

5 But almost all, the conversations have been
6 directed is should we close the facility. That's a
7 risk management decision that should be done by the
8 DOE, by whoever the person is at the DOE, by Shank, by
9 Dave McGraw, by the City of Berkeley, by the governor
10 of the State of California, by the EPA.

11 If the decision is that the risk shown from
12 the risk assessment is too great, whatever that risk
13 is, I don't care what the risk is. Even if it's below
14 the limits, if the decision, the federal limits even
15 if it's below the limits the political decision by the
16 risk managers that people that we've in general
17 elected to do that, if their decision is that the
18 facility should not break, that's fine, but we're
19 still tasked to do what it says on this piece of
20 paper, which is to review and comment on required
21 sampling analysis effort. We're just wasting our time
22 discussing whether the lab should be closed or not.
23 No one's going to listen to that part because of the
24 part that we generate is comments on the sampling
25 plan. Go ahead.

00113

1 MR. MILLER: I would just like to second
2 that. I think obviously it seems to be some element
3 of adversarial situation here, if I may say so, and I
4 think the first thing that we want to do is to get the
5 data correct, which is the sampling problem, and I
6 think it's very fortunate that the City of Berkeley
7 has retained their expert, and the people here who are
8 very critical of the rad lab seem to agree. I think
9 this person is acceptable to them, and I think that
10 the only experts we need next time are the
11 representative of the City of Berkeley and the expert
12 representative of the rad lab to go ahead and discuss
13 the sampling procedure and that we can find some
14 consensus to agree about that.

15 Now, once we have the sampling procedure, we
16 find out that we're in the limits of the EPA or
17 whatever, then there's a whole other question which
18 you've talked about, which is a political, emotional,
19 moral question of what the limits are that remind me
20 many years ago they used to discuss whether there was
21 a threshold or no threshold for radiation effects and
22 what you were willing to do to go ahead and achieve a
23 certain level of minimalization of radiation, and
24 that's a whole other ball of wax.

25 We could spend a light of time here and a lot

00114

1 of emotion, but fortunately this committee seems to be
2 limited right now to finding a sampling procedure, and
3 I think we ought to concentrate on that, and I think
4 fortunately we have an expert who I think you might
5 say is representative of each side, and we ought to
6 confine ourselves to that type of expert rather than
7 go get other experts.

8 MS. DUFFY: I see a lot of heads shaking
9 with that. Thank you. You're with that?

10 MR. NOLAN: Absolutely

11 MS. DUFFY: I see three quarters of the
12 heads shaking in agreement to that. Go ahead

13 MS. PACKARD: It was my understanding that
14 Mr. Franke wasn't going to be prepared to speak on
15 this until June. Did I hear -- that was my
16 understanding when he would made his comments, speak
17 on this sampling.

18 MR. BRIGHT: My idea was simply to ask
19 him so that we can ask --

20 MS. PACKARD: He comes from Germany. I
21 have no idea --

22 MS. DOUGHERTY: Fran's asking the question
23 about Bernd and his availability, and I think what we
24 have to say for the moment -- correct me if I said
25 incorrectly -- Mr. Franke has a contract with the City

00115

1 of Berkeley, and he will have to negotiate with the
2 City of Berkeley his travel, et cetera.

3 It's very expensive for him to do that, and
4 we will -- I think what we should do is take the
5 committee's decision or encounter that they would very
6 much like Mr. Franke and Dr. Hoffman to be here for
7 the next meeting, but understand that we can't control
8 that since that is in his contract with the City of
9 Berkeley. Is that correct, Bernd? Okay. Thank you.

10 MR. WHIPPLE: Just a minor footnote on the
11 comments that I very much agree with. It may well be
12 that the people that actually wrote this plan can give
13 better answers than the consultants who have spent two
14 days reading it, and what I very much find helpful --
15 and heaping stuff on David's plate, and having not
16 peaked ahead to know what's in here -- is any
17 information at all that could be provided on the
18 underlying basis for the plan. Does it come straight
19 out of the EPA guidelines? Is it our best guess?
20 Were there calculations done and there's an appendix
21 we didn't give you? The whole process that went into
22 this and the underlying rationale to the extent that
23 they didn't -- they've been written down would be
24 terribly helpful

25 MR. LAVELY: Yeah, I think that, and also

00116

1 I know that David didn't pull this man out of the
2 vacuum, but that some sample locations are not being
3 addressed, perhaps sampling, because they've been
4 sampled to death. Other areas are being added based
5 upon experience recommendations issues that have come
6 up. Perhaps that's the more important is to hear from
7 the people who wrote this what the thought process was
8 that said, quote, why are we recommending X number of
9 samples of this location or this media? Or one of the
10 things I've heard many times is tree rings, tree ring
11 studies. I don't know if tree ring studies are a good
12 idea or not, but someone should be able to tell us
13 whether tree rings --

14 MS. DUFFY: Right now vegetation.

15 MR. LAVELY: -- whether will add
16 information to what we already have.

17 MS. BERNARDI: I feel that it will not be
18 an appropriate use of Mr. Franke. I think it would be
19 an inappropriate use of Mr. Franke's time for him to
20 make more trips all the way from Germany to be here to
21 consult with us in this way. I don't think that was
22 intended in the City of Berkeley's contract, and if he
23 does that, he won't be able to meet his deadline for
24 his reports in June or the report at the end of the
25 year.

00117

1 MS. DOUGHERTY: Thanks, Gene for that
2 comment. I saw Keith nodding earlier.

3 MS. DUFFY: Guys are ready to leave. Is
4 there anybody else that has an idea? Like to
5 summarize what I think you agreed to do prior to the
6 next meeting how to prepare -- how to prepare for the
7 next meeting. You guys have agreed to read, task
8 number one, read the document which Laurie brought up,
9 and which it's, two, Phil Armstrong in -- probably has
10 a number on it. I don't know what the document number
11 or name is. If you have any questions about the
12 document or what document supposed -- everybody said
13 they had --

14 MS. DOUGHERTY: -- call and we'll tell you.
15 David has agreed to tell you some sort of executive
16 summary or David, not you, but your staff, listing the
17 whys, the very specific why of why is this thing put
18 together this way section-by-section, some basic logic
19 behind the structure of the sampling plan as it stands
20 right now, the draft sampling plan I should say.

21 Another comment that we didn't agree on was
22 should we get some C.V. for potential people, and I
23 think instead we've agreed for the time being we will
24 focus our -- use our experts that we already have on
25 board one way or another from Dr. Franke and

00118

1 Dr. Hoffman, and that they will have to negotiate with
2 their respective clients how they get here to do that.

3 MS. MARKLAND DAY: Do they have to be here?
4 What's wrong with phones? Cheaper way.

5 MS. DUFFY: I think that's a great
6 point.

7 MS. DOUGHERTY: We'll talk about that,
8 conference in. So at this point in time, I think
9 Dr. Duffy knows something.

10 MS. DUFFY: I just want to make sure to
11 add that we'll poll you on the public opinion period
12 and also just to finalize things around the script of
13 the meeting, we'll also check in on that as to what
14 you were talking about, Laurie, put it on the web and
15 make the -- poll you on that, too.

16 MS. DOUGHERTY: Thank you very much.
17 Thanks. Thank you so much for your time and
18 attention, and we're so sorry we're running late.
19 There is not a date set for the next meeting.

20 MS. DUFFY: Good point

21 MS. DOUGHERTY: At this point, the tentative
22 date being considered is 20 April, but, again, I'm
23 reluctant to even name a date, Dr. Hoffman and
24 Mr. Franke never having heard that date before this
25 moment, so I do think since we've agreed we'll be in

00119

1 touch with you guys, look for it about mid April.

2 (The meeting was adjourned at 9:31.)

3

4

5

6

7

8

9

10

11

12

13 ---oOo---

14

15

16

17

18

19

20

21

22

23

24

25

1

CERTIFICATE

2

3

I, the undersigned, a Certified Shorthand

4

Reporter for the State of California, hereby certify

5

that the foregoing proceedings were reported by me, a

6

disinterested person, and were thereafter transcribed

7

into typewriting, under my direction, to the best of

8

my ability to hear and understand speakers; that the

9

foregoing is a record of said proceedings.

10

Executed this 12th day of March, 2000.

11

12

13

LAURA AXELSEN, CSR NO. 6173

14

15

16

17

18

19

20

21

22

23

24

25